

# H.R. 591, the *Interrogation and Detention Reform Act*

## Section-By-Section Summary

This legislation proposes a long-term strategy for recovering America's moral high ground and ensuring our effectiveness in waging the battle against global terrorism. It pairs reform of the flawed policies of the Bush Administration with new initiatives to improve the capacity of U.S. human intelligence collection efforts. Below is a section-by-section summary of the legislation.

### **Title I. Interrogation Policy**

- States United States policy is to “vigorously implement a sustained national strategy to combat the short and long-term threat to national security posed by global terrorism and global terrorist organizations using all appropriate instruments of United States national power.” It would make it the policy of the United States to pursue a strategy that upholds time-honored American principles and values while taking the fight to the terrorists.

### **Title II. Detention of Terrorist Suspects.**

- Requires the government to provide the International Committee for the Red Cross immediate notification of the detention of an individual by the Intelligence Community, and to provide access to the individual for international organizations like the Red Cross.

### **Title III. Enhancing Prosecution of Terrorists.**

- Directs prosecution of terrorism cases to time-tested civilian and military justice systems, which have proven far more effective than the flawed military tribunal system.
- Repeals the *Military Commissions Act* establishing the tribunal system.
- Mandates the closure of the Guantanamo Bay detention facility, with guidance on the disposition of remaining Guantanamo detainees.

“As constituted, U.S. courts are not only an adequate venue for trying terrorism suspects but are also a tremendous asset in combating terrorism. Congress risks a grave error in creating a parallel system of terrorism courts unmoored from the constitutional values that have served our country so well for so long.”

*Judge John C. Coughenour, federal judge in the Western District of Washington, Washington Post, 7/27/08*

“The United States has been damaged by Guantanamo beyond any immediate security benefits. Our enemies have achieved a propaganda windfall that enables recruitment to violence, while our friends have found it more difficult to cooperate with us.”

*CSIS, “Closing Guantanamo: From Bumper Sticker to Blueprint.” (Draft Report, 7/15/08)*

#### Title IV. Integrity in Interrogations of Terrorist Suspects.

- Establishes a uniform, cross-government set of standards for interrogations, prohibiting the use of torture or inhuman treatment.
- Prohibits the use of private contractors for activities involving detention, interrogation, or rendition of detainees.
- Requires the videotaping of strategic interrogations carried out by the Intelligence Community.

“The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the US Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the interrogator wants to hear.”

*U.S. Army Field Manual 34-52, Chapter 1*

#### Title V. Long-Term Capacity for Effective Interrogation

“The next administration should develop a program to grow a cadre of interrogators with language skills, drawing lessons learned from experienced professionals to interview alleged terrorist suspects.”

*CSIS, “Closing Guantanamo: From Bumper Sticker to Blueprint.” (September 2008)*

- Promotes international cooperation on human intelligence collection between the United States and allies with substantial experience in human intelligence collection, including interrogation, in relation to terrorism threats.
- Mandates the establishment of an Interagency Center for Excellence on Human Intelligence Collection to carry out training of interrogators, sustained research into best practices and lessons learned, and regular reviews of U.S. policies relating to human intelligence collection.
- Directs the Department of Defense to further develop career paths for career military intelligence specialists so that, instead of rotating officers in and out of intelligence collection specialties, each service develops a cadre of expert, experienced career intelligence officers.
- Directs the President to develop a strategy for the detention of terrorist suspects and convicts, both domestically and in areas of combat operations, which guards against breeding future generations of terrorists.