



HOUSE ARMED SERVICES COMMITTEE DUNCAN HUNTER – CHAIRMAN

PRESS RELEASE

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CHAIRMAN HUNTER OPENING STATEMENT

Hearing on Military Commissions and Standards Utilized in Trying Detainees

Washington, D.C. – The committee meets today for our third hearing on the future of military commissions. Today we hear from the Administration on its recommendations. We also hear from our top military lawyers. We want to have the advantage of their thinking on the Administration's recommendations.

The war against terror has produced a new type of battlefield and a new type of enemy. It's necessary at this point for Congress to develop a military commission process that will allow for the effective prosecution of enemy terrorists.

While we need to provide basic fairness in our prosecutions, we must preserve the ability of our warfighters to operate effectively on the battlefield. Balancing these two requirements means that we must pay special attention to the rules of evidence and the procedures used in any military commission process. My interest is to protect our troops in the battlefield from becoming involved in a legal quagmire which would prevent us from effectively pursuing terrorists and to ensure that America can effectively protect its citizens. Our foremost consideration should be protecting American troops and American citizens.

The Administration has worked with the Congress and the TJAGS who are here today. I look forward to working with the President, the Senate and with my colleagues on the Committee to construct a new process which strikes the necessary balance between justice and battlefield effectiveness and provides the legal standard in the coming decades of the war against terror.

I think a fair process has two guiding principles. First, the government must be able to present its case fully and without compromising its intelligence sources or compromising military necessity. Second, the prosecutorial process must be done fairly, swiftly and conclusively.

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The Administration's proposed legislation also touches two areas that fall outside military commissions: the applicability of Common Article 3 to the war crimes act and the applicability of the Detainee Treatment Act of 2005 to detainees held prior to the enactment of this statute. I believe we should closely scrutinize both of these issues and I look forward to the panel's comments.

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