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ABA REJECTS WLF POSITION ON TREATMENT OF DETAINEES

The American Bar Association's (ABA) governing body, the House of Delegates, adopted a resolution yesterday at the ABA's annual meeting in Atlanta, Georgia, that condemned not only torture, but vaguely defined "degrading" or "cruel" treatment of any terrorist suspect who is in the physical control of United States government authorities. Read broadly, the ABA resolution could prohibit interrogators from using effective and well-recognized techniques such as shouting at prisoners, or waking them up to ask them questions about terrorist activities, because that might constitute sleep deprivation.

While not unanimous, the overwhelming majority of the 539 members of the House of Delegates rejected arguments presented by the Washington Legal Foundation (WLF) that the ABA's extreme position was wrong both as a matter of law and sound public policy. WLF's views were presented by David B. Rivkin, Jr., a partner in the Washington, D.C. office of Baker & Hostetler who represented WLF *pro bono* at the ABA meeting. Mr. Rivkin is an expert on constitutional and international law, and has written extensively on many of the legal and policy issues surrounding the war against terrorism. Last year, Mr. Rivkin represented WLF before the ABA to oppose a resolution condemning the President's authority to designate suspected terrorists as "enemy combatants," a position that was ultimately vindicated by the Supreme Court's recent decisions on the subject.

"If it weren't for WLF's presentation at the ABA meeting, there would have been no one to express the opposing view of this issue," exclaimed Mr. Rivkin. "While we all oppose acts of torture, the ABA's position is ill-defined and amounts to political grandstanding," Mr. Rivkin added.

WLF is a non-profit public interest law and policy center that devotes substantial resources to promoting a strong national security and defense, supporting the powers of the President under Article II, including his Commander-in-Chief powers, and maintaining the separation of powers among the branches of government. WLF filed briefs in the major national security cases supporting the Administration's war on terrorism.

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For further information, contact Paul Kamenar, WLF Senior Executive Counsel, at 202-588-0302.