

# The Constitution Project



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June 14, 2005

The Honorable Arlen Specter  
Chairman, Senate Committee on the Judiciary  
711 Senate Hart Office Building  
United States Senate  
Washington, D.C. 20510

Dear Senator Specter:

The Liberty and Security Initiative of the Constitution Project respectfully calls on the Congress of the United States to initiate legislative oversight into the current procedures by which people detained by this government are transferred to the custody of other nations, and the methods of ensuring that such transfers are consistent with all relevant United States and international law. We believe this is vitally important; reflecting the United States' fundamental adherence to standards of justice and the equally compelling necessity of ensuring the nation's security.

The Constitution Project, part of the Georgetown University Public Policy Institute, is a bipartisan nonprofit organization that seeks consensus on controversial legal and constitutional issues through a unique combination of scholarship and activism. We seek to stimulate, and therefore influence public debate by bringing together a bipartisan group of prominent Americans whose consensus on issues can encourage serious dialogue among lawmakers, policymakers and the public. For more information about the Constitution Project please visit [www.constitutionproject.org](http://www.constitutionproject.org).

In recent months, both the Administration and the Congress have recognized that abuses have occurred in the treatment of persons held at detention facilities. In a separate document, the Constitution Project has called for the establishment of an independent bipartisan commission to investigate the treatment of people held at detention facilities such as Abu Ghraib and Guantanamo Bay, to ensure that in our efforts to combat terrorism this country remains true to its own values. It is this same concern that prompts us to ask that the Congress examine the practice of

extraordinary rendition -- the transfer of people to foreign countries without formal legal proceedings. We believe that congressional oversight is needed to clarify the procedures required for such transfers, to examine the nature of assurances provided by the foreign countries that people transferred to their custody will be treated humanely, and to analyze the efficacy of attempts to ensure that recipient nations comply with any such assurances.

The President of the United States has stated unequivocally that our government opposes the use of torture. The Congress, by its enactments, has specifically prohibited the use of torture. Members of both parties have repeatedly spoken out against the use of torture as an instrument of interrogation. Given such a broad and bipartisan consensus, and in the light of published reports that some nations to which this country has transferred people have not complied with their assurances that torture and inhumane treatment will not be employed, we believe it is necessary that the Congress act to examine the practice of extraordinary rendition. We also urge Congress to formulate and publish findings at the conclusion of such oversight hearings.

Sincerely,

The Liberty and Security Initiative of the Constitution Project

Members of the Liberty and Security Initiative Endorsing this Letter:\*

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