

September 28, 2006

TO: Interested Parties**FROM:** Matt Bennett, VP for Public Affairs, Jim Kessler, VP for Policy, and Sharon Burke, Director of the National Security Project**SUBJECT:** Military Tribunal Talking Points

Progressives who oppose Senate legislation establishing military tribunals face an onslaught of distortion: conservatives will seek to portray them as soft on terror, unwilling to bring the masterminds of 9-11 to justice, and being more interested in providing terrorists the same rights as an American citizen than in putting them away for good. Fundamentally, conservatives will argue that progressives want to deny the President the tools he needs to win the war on terror.

There is some danger in this baseless attack, but only if it is left unanswered. Third Way's recent poll on national security¹ found clearly that Americans believe that if Democrats won a majority they would *push the President to change course and fight terrorism more effectively*. By a 21-point margin, Independent voters chose that conclusion over the claim that Democrats would "weaken the President's ability to fight the war on terrorism."

Americans are hungry for a new direction and are eager to escape the stubborn "stay the course" mentality of the current leadership in Washington. Notwithstanding all of the conservative bluster that will follow these terror amendments, *that* is the case that progressives must make. **If progressives are attacked on the tribunals/torture legislation, they should answer the (false) charge, but then pivot to the terrain that they want to fight on – pushing for a new course and fighting the war on terrorism and the war in Iraq more effectively.**

Set forth below are some recommended talking points, drawn from our polling data, on the broad "change the course" points and on the specific habeas corpus and torture provisions.

Broad Points

- The President talks tough, but he hasn't been smart either in the war on terror or in the war in Iraq. His own intelligence report shows that terror networks are spreading and gaining new followers. His answer is just more of the same. We need to push him to change course in the face of clear evidence that his strategy is not working.
- These amendments don't represent a change in course but rather a stubborn adherence to a strategy that the President's own people say is not working. Unlike those on the other side, I am just not satisfied with the progress we are

¹ Survey by Pete Brodnitz/The Benenson Strategy group; poll of 600 likely voters; Sept. 13-17, 2006; MOE +/-4.0. Results available at <http://third-way.com/products/63>.

making in the war on terror. Instead of stubbornly staying the course, we need a new direction that fights the war on terror more effectively.

Habeas Corpus

- I believe we must bring these monsters to justice. But we can do so without changing 217 years of American tradition, values and constitutional law. In America, anyone held in a prison should be able to challenge their imprisonment, even a terrorist.
- No President, Republican or Democrat, should have the power to lock people away forever without providing them the right to challenge their imprisonment in court. That's a dangerous abuse of power, and that is not how we will defeat the terrorists.
- I want these monsters brought to justice, but denying anyone – even suspected terrorists – of the right to trial cheapens America's image as the greatest democracy on earth and a beacon of freedom.

Torture

- There has been a lot of tough talk on this issue, but it's not very smart. The reason we have failed to make real progress in the war on terror is not because we aren't torturing enough people. It's because the President is too stubborn to change strategies and set a course to fight this war more effectively.
- I am not satisfied with the progress that we have made in the war on terror. My opponent says the answer is to allow more government-sanctioned torture. I disagree. The answer is to change direction and fight the war on terror more effectively.
- Giving any President, Republican or Democrat, the singular authority to determine what is and what is not torture is too much unchecked power. The United States won two World Wars and the Cold War without changing the rules on torture. Rather than change course and design a new strategy, the President is stubbornly clinging to a failed anti-terror strategy.