

**Interview of Ambassador John D. Negroponte  
Director of National Intelligence**

**With Mr. Chris Wallace of Fox News**

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MR. WALLACE: Joining us now for his first Sunday show interview is Director of National Intelligence, is John Negroponte. Director, good to have you here.

AMB. NEGROPONTE: Good morning.

MR. WALLACE: The President said this week that he will be forced to end CIA's interrogations of terror detainees, unless he gets clarification of the Geneva Conventions, because intelligence officers are unwilling to risk being charged with war crimes. Let me see if I got this straight. If you were to capture a high-value al Qaeda terrorist, who might have information about a threat on this country, is the administration saying that the CIA would not interrogate that person?

AMB. NEGROPONTE: What the President is saying is that since the Supreme Court has ruled that the Common Article Three of the Geneva Convention applies, we need to now clarify, in terms of our domestic law, exactly what that means. And the law that he has – the proposal he has sent to the Congress sets a way forward to clarify that in terms of our own domestic legislation. And in fact, the point of reference is the detainee treatment act that was passed last year with the full support of Senator John McCain.

MR. WALLACE: But if I may press my original question, Director Negroponte, what he said, we challenge Congress, he said if you don't clarify, this program will end. Question – Does that mean that if you capture a high-value al Qaeda target, CIA officers will not interrogate him?

AMB. NEGROPONTE: That person may be questioned, but using the kinds of aggressive techniques, the tough techniques that the President was referring to the other day, may be problematic. Because of the uncertainty that has been introduced by the current situation. So, all these patriotic, professional agents are looking for, is the kind of clarity to ensure that they will not be violating the law when they carry out these interrogations.

MR. WALLACE: But you're saying the full array of interrogation techniques that they've used in the past, they might not use now?

AMB. NEGROPONTE: At this particular point in time, that issue is up in the air.

MR. WALLACE: Since the Supreme Court said in June that these interrogations are now covered by the Geneva Conventions, have any CIA officers refused to carry out any interrogations?

AMB. NEGROPONTE: Well, I think what you're getting me into here is the conduct of the program, Chris. And what's been happening –

MR. WALLACE: No, I'm asking a simple question. Have any CIA officers refused to carry out –

AMB. NEGROPONTE: I think the way I would answer you in regard to that question is, that there's been precious little activity of that kind for a number of months now, and certainly since the Supreme Court decision.

MR. WALLACE: That has curtailed the kind of questioning that they have done.

AMB. NEGROPONTE: There just simply hasn't been that kind of activity.

MR. WALLACE: Because of their concerns about legal liability?

AMB. NEGROPONTE: Well, the legal uncertainties surrounding the entire program in which we think must be clarified.

MR. WALLACE: So, the question I have then is, if this program is so vital, as the President says and I think all Americans would agree, and if it's impossible to go forward with the full array of tactics to question these people, without clarifying the Geneva Conventions, why did the President wait all the way from June 29th when the Supreme Court ruled in the Hamdan case until last week to push this?

AMB. NEGROPONTE: Well, the court, as you know, ruled that we ought to come to the Congress, both with respect to military commissions and with respect to Common Article Three. So, it was decided to wait until Congress came back into session. And meanwhile, during that two-month period, July and August, a lot of time was spent consulting within the administration amongst experts, as to how best to accomplish this.

But let me reiterate, what we're seeking here is not to alter Geneva, not to dilute the impact of Common Article Three. It's simply to find the clearest and most concise way to implement it under United States domestic law. That's all we're seeking. Our CIA interrogators, and our CIA agents want to, and are committed to, behaving in a Constitution, a legal and a lawful manner, and in a way that is consistent with our international obligations.

MR. WALLACE: Let me ask you a question some skeptics are raising. The President says time is running out, it is vital that Congress pass this clarifying legislation. At the current time, you have no CIA prisoners, because the President announced they've all been moved to Guantanamo. As far as the tribunals are concerned, none of these people have been brought to trial for five years, so they can wait a little longer.

Is the timing here really about national security, or is it more about having a good issue for the November elections?

AMB. NEGROPONTE: I think the timing here is a consequence of the Supreme Court decision. And also the fact that we need to have, even though the number of detainees has gone down to zero, this is a very, very important capability to have. This has been one of the most valuable, if not the most valuable intelligence, human intelligence program, with respect to al Qaeda.

It has given us invaluable information that has saved American lives. So, it is very, very important that we have this kind of capability.

MR. WALLACE: Okay. Let's talk about the capability and how much it's interfered with now. Common Article Three of the Geneva Conventions was ratified by the United States in 1955. Since then, we've interrogated Soviet spies during the height of the Cold War. We've interrogated the Viet Cong during the height of Vietnam. Why is this now a problem?

AMB. NEGROPONTE: Well, because we're talking about a different kind of war. And in this particular case, we're talking about illegal enemy combatants.

Who I would remind you, until the Supreme Court decision was handed down in June, we did not believe came under the purview of Common Article Three. But now that that court decision has been made, and in an effort to comply with that decision, we are seeking the clarity to define our obligations under Common Article Three in terms of United States domestic law.

MR. WALLACE: But Director, the reason the Supreme Court had to rule – didn't have to make that decision – the reason that it ruled that Geneva covered these terror detainees is because of the fact that the President explicitly put a waiver that said Geneva did not cover them, in 2002. The fact is, for the previous 47 years, and there were other illegal enemy combatants, Soviet spies, Viet Cong, somehow the U.S. was able to interrogate those kinds of prisoners and not run afoul of Geneva. For 47 years. Why is this a problem?

AMB. NEGROPONTE: Well, the fact of the matter is, I think the President when he made this determination was – the Common Article Three was passed with reference to civil wars. Not with respect to this kind of a conflict. But in any event, we are where we are at this particular point in time. And I can't think of anything more logical than trying to define our obligations with respect to Common Article Three under U.S. domestic law.

It's a practice that we've carried out many, many times in the past. And the standard we're actually proposing be applied is what is known as the McCain amendment in the Detainee Treatment Act of 2005. So, that we would hope the Senators would be comfortable with applying that standard.

MR. WALLACE: Before you became Director of National Intelligence, you were a diplomat, and over the years you worked with Colin Powell. This week, Secretary Powell wrote this, and let's put it on the screen. "The world is beginning to doubt the moral basis of our fight against terrorism. To redefine Common Article Three would add to those doubts. Furthermore, it would put our own troops at risk."

Director, John McCain says for the U.S. to be the first country ever to redefine the Geneva Conventions would someday put our troops in danger.

AMB. NEGROPONTE: Let me emphasize first that we're not – this is not about redefining. It's about clarifying. It's in fact about defining our obligations under Common Article Three.

MR. WALLACE: So, it's not about redefining, it's about defining?

AMB. NEGROPONTE: It's not about changing anything. It is about clarifying under U.S. domestic law, what our obligations are. Let me make another point, because I think it bears mentioning. Throughout the conduct of this program, over the years of its existence, the comportment of the CIA agents who've been conducting these interrogations have been entirely within United States law and the Constitution.

And these programs have been under very, very strict supervision, carried out by very, very professional officers who are totally committed to complying with the United States law. And I wouldn't want there to be any suggestion that this had not been the case.

MR. WALLACE: No, I don't know that there is any suggestion of that. And obviously, they were following orders. One of the reasons, you keep bringing up the fact that John McCain, this was what was in his amendment that was agreed to last December. One of the problems, apparently, for Senator McCain is he felt that the limits that were put on interrogation last December were ignored by the CIA. That the administration used them for the military, but didn't use them for the CIA. In fact, he got rolled on that. And so now, he's trying to insist that it doesn't happen again.

MR. NEGROPONTE: Well, what I would like to say to that is, first of all, it's not the case. I would respectfully disagree with that. And secondly, even in Senator McCain's legislation, in the Detainee Treatment Act, there is a distinction made between interrogation of detainees held by the Department of Defense, and detainees held by entities other than the Department of Defense. So that there is – that distinction is foreseen right in that legislation.

MR. WALLACE: You know, I don't have to tell you this is kind of an ugly dispute involving a lot of very patriotic men, the White House, the President on the one hand, real patriots like John McCain and Colin Powell and John Warner on the other hand. What's the possibility of a compromise?

AMB. NEGROPONTE: I think we're going to have to wait and see. I think it's very, very important that this program go forth. It's provided invaluable information that has saved lives of Americans. Significant plots against our homeland have been disrupted as a result. And surely there is a way of finding a way forward that would permit this program to continue. And at the same time, do it in a way that is both respectful of our law and Constitution, and our international obligations.

MR. WALLACE: But the legislation as passed by the Senate Armed Services Committee and drafted by Warner, and McCain and Graham, is unacceptable?

AMB. NEGROPONTE: Well, the Director of the CIA tells me that if it were passed in that form, he would not – he does not believe it would possible for the program to go forward. And I accept his judgment on that.

MR. WALLACE: You have to understand, there's obviously some confusion on the part of the American people. On the one hand, you've got John McCain, spent five and a half years as a prisoner of war in Vietnam. You've got John Warner, who spent – and we have the pictures up here on the screen – the Chairman of the Senate Armed Services Committee who enlisted in the Navy at age 17 to fight World War II. You have Colin Powell, Chairman of the Joint Chiefs of Staff, who was wounded in Vietnam. Compared to the leaders in this administration, who, in all honesty, did not see combat, don't those fellows up there on the screen, don't they have more credibility when it comes to the rule of law, and putting U.S. soldiers in danger? Rather, the rules of war in putting U.S. soldiers in danger?

AMB. NEGROPONTE: Well, I think certainly they have a great deal of credibility. And I have the highest respect for the Senators, and of course, for my friend and former boss, Colin Powell. But this is a complicated legal argument, and we're talking about a number of very important equities here. And I think we should be able to find a way forward, but it's got to be one that permits this program to continue.

MR. WALLACE: Finally, this was an issue that was raised, in fact, by Steve Buyer, a conservative Congressman from Indiana who used to be a military lawyer. He points out that the administration is also at odds with the military's top lawyers about the tribunals for these prisoners, what evidence can be used against them in cases. The President always says that he listens to his commanders in the field. Why in this case is he refusing to listen to his legal commanders? The Judge Advocate General of every branch in the military opposes the President's plan for these tribunals.

AMB. NEGROPONTE: Well, their views have certainly been taken into account. And as the legislation was formulated, the Judge Advocate Generals were consulted along the way. And on some points there may be differences, but I believe that they also were in agreement with significant parts of the legislation.

MR. WALLACE: Director Negroponte, we're going to have to leave it there. We thank you so much for coming in today.

AMB. NEGROPONTE: Thank you.