

Press Briefing by Tony Snow

White House Conference Center Briefing Room

1:05 P.M. EDT

MR. SNOW: Quickly, the President had a drop-by meeting today with the new U.N. Secretary General-designate Ban Ki-moon, the Foreign Minister of the Republic of Korea. The President congratulated the Foreign Minister on his election. The Foreign Minister thanked him for U.S. support. The President urged the Foreign Minister to address U.N. management and reform issues, and promised U.S. help during his tenure in making the U.N. more effective. The President said he was very much looking forward to working with Mr. Ban when he becomes Secretary General.

The two discussed the North Korean nuclear test and the United Nations Security Council resolution. The President noted his determination not to let Kim Jong-il threaten peace in the region. The President said Secretary Rice is visiting the region to discuss implementation of the Security Council resolution and the Foreign Minister said he was leaving for Seoul tonight and would meet her there. The President said, we want the U.N. and its new Secretary General to succeed and we'll do all we can to assist him.

Terry.

Q Now that the President has signed the Military Commissions bill, how many -- what happens next? How quickly before the suspects at Guantanamo are brought to trial?

MR. SNOW: It's still -- as I was explaining yesterday, it's going to take some time. You now have a procedure in place; you still have all the preliminaries involved in putting together court operations. Not only do you have to assemble the commissions and get the people for them, you also have to allow prosecution and defense to prepare for any upcoming commissions. My understanding is weeks perhaps months, month or two. I don't think there's any formal determination. Obviously we want the wheels of justice to start moving as quickly as possible, but you also have to be cognizant of the fact that the defendants do have their rights and they need to be able to prepare, as well.

Q So you think it will be a month or two at the outside?

MR. SNOW: I think it's a month or two at least.

Q And the interpretations that were required by the law, that are to be published in an executive order --

MR. SNOW: What it says is the President is authorized to do an executive order. I'll read you the language in a moment. The President's senior advisors are going to make recommendations as to the appropriate steps. Once you have a law passed, then you have the people in the executive branch try to interpret how to make it happen. So there will be further consultations with Congress and consideration of additional legal guidelines in issuance of an executive order. So they're going to try to walk through all the --

Q It says the executive order is published in the Federal Register, right? Your intention is --

MR. SNOW: Let me just -- let me read to you, because -- I'll just read you the language. It sort of speaks for itself, but it's worth going through, with your forbearance. It says: "As provided by the Constitution in this section, the President has the authority for the United States to interpret the meaning and application

of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

"The President shall issue interpretations described by Sub-paragraph A" -- which I just read to you -- "by executive order published in the Federal Register. Any executive order published in this paragraph shall be authoritative except as to grave breaches under Common Article III," and so on. So that's the language.

Q So he does have to, then, publish an executive order, isn't that right?

MR. SNOW: Well, again -- well, we'll see. This says he's authorized to do so.

Q On the signing, there have been a flurry of press releases from prominent Democrats who voted against this, including Senator Feingold who said, "We'll look back on this day as a stain on our nation's history." Would you like to respond to any of those?

MR. SNOW: Senator Feingold thinks it is a stain to detain people who have killed thousands of Americans, to question them, to put together -- on the basis of that questioning, to intervene in a number of terrorist plots that could have killed many more Americans, and now have a process that's not only consistent with international law, but with our statutes; to bring people to justice, to question them -- to detain them, to question them, and to try them? That hardly seems a stain on our national honor. As a matter of fact, it's an example of the way in which the United States does care for the rights of people who don't care for ours.

Q Senator Feingold, in his release, said, "This law allows the government to seize individuals on American soil, detain them indefinitely, with no opportunity to challenge their detention in court, and permits an individual to be convicted on the basis of coerced testimony -- convicted under these rules to be put to --

MR. SNOW: Again, Senator Feingold has been saying this for some time. As you know, the CIA program that the President alluded to deals with people who have been seized elsewhere. This is where you're basically trying to -- if I had to parse each and every bit of that statement, it would keep me quite busy. Let me just give you the basics here.

What we have is a Military Commissions Act that, in response to the United States Supreme Court's decision in the Hamdan case, involves congressional authorization for military commissions, which have been a factor of American justice in times of war since the founding era. What we have done is put together with -- again, in consultation with Congress, ways in which we can, in keeping with our treaty obligations and laws, question enemy combatants, bring them to justice, or in many cases, what we've been trying to do at Guantanamo, try to repatriate them either to home nations or nations under which they have been charged with criminal offenses, and who, upon receiving them, will observe and honor their human rights.

Q Tony, can you tell us how quickly the CIA interrogators will begin resuming their questioning?

MR. SNOW: No. Let me explain -- go ahead.

Q -- references to the CIA program.

MR. SNOW: Yes.

Q That mean you're going to continue secret prisons and torture?

MR. SNOW: Number one -- first --

Q Torture as we know it, not as you interpret it --

MR. SNOW: No, I don't think --

Q -- which is water-boarding, deprivation of sleep and so forth.

MR. SNOW: First, as you know, torture is illegal. Furthermore --

Q I didn't say that. But we've seen photographs, we've seen the horror of it all.

MR. SNOW: What photograph have you seen of --

Q Abu Ghraib and so forth.

MR. SNOW: Abu Ghraib is something that was a criminal -- was, in fact, a criminal infraction for which people were charged.

Q How do we know it doesn't go on above --

MR. SNOW: Are you saying that the people -- the U.S. servicemen --

Q I'm saying to you that there have been allegations all the way through that we don't treat -- that we coerce testimony.

MR. SNOW: On the other hand, the International Committee of the Red Cross regularly visits Guantanamo and talks to everyone there, and has, in fact, seen the high-value detainees. The United States has made it possible -- interestingly, many of the people making these particular allegations have refused to go to Guantanamo and assess for themselves what's going on; instead, they've based it on hearsay testimony.

The United States has set up a system -- and General Hayden talked about this -- that goes through extraordinary lengths to make sure that the questioning is done in a way that is effective and also humane.

Q Well, how do we know that? What kind of checks do the American people have?

MR. SNOW: Well, Helen, I'm not sure that you're going to trust anything that people tell you in good faith. It's the law. And the people who engage in this are very proud of their professionalism and the steps they take. For instance -- I'll go back through it again, because it's probably worth reminding people. You have folks who have to have demonstrated maturity before they're even allowed to get into the questioning program. There are 250 hours of original training, plus you have to have 40 hours working with somebody who has already been authorized to do training before you can engage in an interrogation. Also, in any interrogation, there is an outside observer who, at any point, for any reason, can interrupt the questioning, saying that they think that it's inappropriate and it can --

Q Can we know what the guidelines are in terms of how they're enforced or interrogated --

MR. SNOW: No, the government will not tell you the precise questioning techniques, for the reasons that have been outlined many times before, which is that you do not want to give those who are apprehended, or terrorists, the ability to plan in advance for techniques that might be used. However, there are pretty

extensive guidelines not only in this particular legislation, but also in U.S. law and international treaty obligations, that not only -- torture is completely out of the question, but also so-called grave offenses that have been outlined in the Geneva Conventions, and in fact, are mentioned in this law, as well.

For instance, cruel or inhumane treatment; performing biological experiments; murder and mutilation and intentionally causing serious bodily injury; rape, sexual assault or abuse; taking hostages. Those are obviously the gravest infractions, but there are also -- within the law, in Section 6 of the law, that govern ways in which people may conduct these things.

Q But you're not suggesting this is an easy question-and-answer session?

MR. SNOW: No, I'm not suggesting anything. You may have seen one of the stories where one of the most effective interrogators was described as a grandmotherly person who made people friends. Keep in mind that ultimately you want to have the condition where they are going to be cooperative. And beyond that, I'm simply not going to --

Q You would need special legislation for that?

MR. SNOW: Don't know.

Q You said that it's classified on whether we believe in water-boarding.

MR. SNOW: No, I said I'm not going to talk about water-boarding, nor am I going to talk about any other technique, real or imagined. That's been our position from the start.

Q So how will the President convince Americans that the kind of interrogation and the kind of pursuit of terrorists is something they can be proud of?

MR. SNOW: Well, the question is -- it's interesting, if you live in an atmosphere where people are automatically going to assume that people who are serving their nation are doing so dishonorably -- and that would have to be the assumption here, the people doing the questioning, in fact, are rogue actors and not people acting scrupulously within the law and proud of what they do -- then there's absolutely no way to persuade somebody. People are not going to be able to see this. However, we have tried to make it as transparent as possible by inviting in regularly the International Committee of the Red Cross. You guys can go to Guantanamo any time you want; many of you have been there.

Q What will be published in the Federal Register?

MR. SNOW: Well, again, that is one of the things that is going to be -- we're now at the stage where, in consultation with the Department of Justice, you figure out the proper way to enact the law, and I can't tell you.

Q But what is it? It's not lists of behavior, it's rough guidelines? What will be --

MR. SNOW: Well, again, I would refer you to the language I just read to you, because that is the language that determines what would be published in the Federal Register.

Q What would be the consequences of a second North Korea nuclear test?

MR. SNOW: I think the consequences of a second North Korean nuclear test would be the further isolation of North Korea. What you've seen already in the case of the first test is that the United States and the Chinese are working more closely together than ever before. And I daresay that they would become even closer as strategic partners in trying to guarantee safety in the Korean Peninsula.

Also, if the North Koreans think that in doing such a thing, in testing the cooperation of the parties of the five-party talks, they're going to be disappointed, because they're going to find out that the parties, in fact, are resolved to make sure that the North Koreans renounce nuclear testing and renounce nuclear weapons. And we've offered a whole series of positive inducements and hope they'll take advantage.

Q What do you see --

MR. SNOW: You know we don't share that, Jim.

Q North Korea is calling the sanctions a declaration of war. Would you pursue tougher sanctions if they go ahead with a second test?

MR. SNOW: I think at this point you just -- you go ahead and allow the sanctions regime that has been adopted by the U.N. Security Council to begin to work. Good heavens, you've got the Secretary of State right now just making her way to the region; she's taking off today so that she can consult with allies in terms of the enactment of those resolutions. I think it would be premature to talk about any further steps.

Q Tony, to follow on Steve's question a little bit. What do you -- I've seen the President asked several times about Kim Jong-il and he sort of doesn't go there, necessarily. But I think it's a fair question now, as Americans are beginning to hear there may be a second test, a third test, in the face -- this guy, in the face of opposition that includes his biggest trading partners, people he can usually count on, is continuing to go down this road. So what is the impression that you're working under about Kim Jong-il's sanity?

MR. SNOW: Well, one of the things you do is, in a situation like this, we're just not going to get involved in the business of trying to do a psychological evaluation of "Dear Leader." What we do is we take a look at his actions and will respond with actions which we think are going to be louder than words or psychological profiles.

Q But isn't it germane, as you're determining how to respond to him -- you have to ask what do we get here?

MR. SNOW: Yes, we do.

Q And what kind of answers do you come up with?

MR. SNOW: Well, those are answers that people within the intelligence community and the President share, but those are not things that I think are particularly constructive to share publicly.

Q Let me ask you one on Iraq, because a lot came out yesterday about the confidence the government may have in Maliki, or the questions they may have. Does the Prime Minister have a functioning government, in your opinion?

MR. SNOW: Yes. I mean, it's a government -- and, again, I'll go back to the meeting we had when he brought most of his cabinet here to the states. I think if you take a look at the security situation, there are clearly difficulties in Baghdad and some of the other areas, and that is --

Q It's almost reached the point it's beyond "difficulties," hasn't it?

MR. SNOW: Well, I want to be careful because if I use too colorful a word then, all of a sudden, that becomes a headline, so I'm trying to give you a thoughtful and precise answer. And it is this: The security situation is the most -- the biggest challenge facing the Maliki government right now. You do have ongoing successes when it comes to developing an economic infrastructure with energy and other things.

So some of those metrics that we've talked about in the past are improving. On the other hand, you've got a security situation that you really have to deal with.

So what he told the President yesterday, and it appears in some places in the USA Today interview, is that he's got three different -- he's approaching the business of trying to create peace in three areas. Number one, you've got to deal with the security stuff -- using force against bad guys. Number two, you also have to have the political solution, which is persuading some of the bad guys to come off the sidelines and join the political process. And, number three, for those who have been fighters on the other side, at some point you want them to lay down arms under the rubric of reconciliation and, at the same time, you've got to have something for them. And that means jobs, economic opportunities. So he's talking about all those.

In addition, as we've said a lot of times, Jim, one of the real challenges is getting the police right, because the police have been a problem. General Casey said it, I've said it many times. And that is one of the things that the Prime Minister is focusing on. He's already mentioned that there have been shakeups at the interior ministry. He's determined to get that piece right. There have been ongoing talks with Sunni tribal leaders -- there are about a hundred tribal leaders who had a meeting with the government about a week ago. You have seen some positive statements out of some of the Shia leaders.

There's an understanding on both sides that people who are trying to foment sectarian violence are doing their very best to pull -- now, what we do have, and our assessment is that you still have an intact, functioning government; you've got a military that becomes more capable; and you've got to work on some of the other issues.

Q But in terms of these metrics that you talk about, if you're making the case, this guy is really making it happen there, what do you throw out as the single biggest success for Maliki right now? Let's leave the security situation aside right now, because it's kind of hard to point to success.

MR. SNOW: Well, then, I'll tell you what, I'll go back and get my charts and graphs and I'll send you something. But, I mean, I get a briefing --

Q -- Americans are asking the question right now. What's the big --

MR. SNOW: Well, again -- well, you expect "big" -- it's a war. And in a time of war you have acts of violence, either concentrated or sporadic, intended to capture people's attention. And I think what Americans want to know is, are we in it to win and is this guy serious? And the answer to both are, yes. That's maybe the most important thing. If you want to know the biggest success, Maliki hasn't backed down. The Prime Minister is saying to the forces that want to commit violence: You're not going to win. And in the face of all else, that is not only an act of courage, but an act of leadership.

Q Do you think that's enough for Americans right now, Maliki hasn't backed down, as the biggest success?

MR. SNOW: People have to decide. I mean, that's -- you know what, his job is to do what's right for the Iraqis. He's not sitting around reading American polls. His job is to make sure that the forces of violence, interior and those who are coming in from the outside, don't win. And we're determined to help him succeed.

Q Tony, what about insurgents --

MR. SNOW: Okay, I'll tell you what. We'll do this, and then we've had some problems in getting to the back rows, so I'm going to make sure that we get to the others, too.

Q What's the administration's policy when it comes to talking to insurgents in Iraq?

MR. SNOW: Well, there have been a number of conversations with people who have said that they're willing to negotiate and talk about a peaceful path, and we're willing to do that. But again, the lead player in all this is the government of Prime Minister Maliki, and that is also something that is involved in his reconciliation process. He has had a number of meetings and some of the meetings with tribal leaders were designed to achieve that goal. And he talks about the effect --

Q So not --

MR. SNOW: Well, again, it's not as if you've got a headquarters that says, "Insurgency Central," and you've got this guy who is the CEO of the insurgency. It doesn't quite work that way. As you know, what you have are sometimes very loosely affiliated groups, and so, therefore, you rely not only on the expertise, but also the motivation of the Iraqis to be dealing with the people who may have the most influence. That, again, is why you look to tribal leaders. It's why you look to important Shia religious and political leaders, and we'll continue to do that.

Q So back channel it sounds like right now, but nothing direct with the U.S. necessarily having military --

MR. SNOW: I don't even know -- again, what you're posing here is a situation that doesn't quite make sense because, again, there are two things insurgent leaders don't want -- they don't want you to know who they are, and they don't want you to know where they live. Under such circumstances, it's very difficult to have regular meetings with them. So what you really have here is a situation in which the Iraqis have their own way of communicating, sometimes through third parties. But let's reiterate, reconciliation is a key part of what the Prime Minister is trying to do, and it's very important -- and he is trying to be as creative and also as exhaustive as possible.

Q Does the U.S. have a strong voice, though, in helping to determine who is a terrorist, who is an insurgent? What if someone has American -- the blood of American soldiers on his hands? Is that someone the U.S. would be okay with the Iraqi government sitting down with?

MR. SNOW: Again, we are really -- I think we've been through this before. The Prime Minister is the person who will make the determinations on how to proceed. What we're doing is we're operating in a support role, but we're certainly not going to dictate orders to him. It would be inappropriate.

Q Tony, what are the accountability measures within this act as far as the secret prisons?

MR. SNOW: Again, we don't talk about that program, so what I will tell you is that people -- but what happens here, if you look at the law, it says that anybody who deals -- who violates the law with anybody who is within American jurisdiction or administration are going to be punished. And it outlines a series of punishments and it also outlines the acts for which they could be punished.

Q So you're saying there are accountability measures --

MR. SNOW: Of course. For anybody who is under American jurisdiction.

Q The ICRC can't visit these places, though, can they? What you said earlier --

MR. SNOW: So far they haven't, but again, I'm not --

Q The secret prisons?

MR. SNOW: Again, we're not going to -- what you're trying to do is to question me about something that we don't talk about. So --

Q That's the point. If it's secret, you're going to keep it secret.

MR. SNOW: That is correct.

Q And some are questioning the accountability -- who's checking to make sure you're following this law.

MR. SNOW: Well, again, if you take a look at the techniques that have been laid out -- let me put it this way: I think, for any of you who have been out working with, dealing with the men and women who are in the American military, you're impressed by the professionalism. The people who are involved in these programs are the most mature of folks involved in this kind of activity, and they take very seriously their professional charge. I think it is reasonable to assume that if something bad happens, you'd find out about it.

Q Tony, do you have anything on the government stopping the Guantanamo Bay detainees' suits from going forward?

MR. SNOW: I'm sorry, what?

Q The government stopping Guantanamo detainees' suits today, I believe --

MR. SNOW: I don't know anything about -- call me back later and I'll -- I'm not sure I know what you're talking about.

Q Tony, it seems like we can't ask a question about this without impugning the integrity of the people conducting the --

MR. SNOW: Well, that would be correct, because what you're -- now what you're --

Q But that's not fair.

MR. SNOW: Sure it is. I mean, what you're saying is -- what you're -- the insinuation is -- perhaps I'm wrong, Jim, but you're asking, what happens if they break the law or commit torture, correct?

Q Which has, what, never happened before in the history of the government?

MR. SNOW: Well, I'll tell you what, I think what you do have are people -- there's a record within -- not only within this administration, but also within military circles, where when people misbehave, they take it very seriously. They see it as a blemish upon their honor and their responsibility. So there are, written into this law, real punishments for people who get involved -- who break the law. And so what you're saying is, even if we can't see them, how can we trust them? Isn't that your question?

Q The question is, how do you allow people -- how do you impart any degree of transparency, which I think has been a sort of underpinning of all parts of our legal system?

MR. SNOW: Well, but on the other hand, you're dealing with an unusual situation here. Transparency has never been part of the bargain when you are dealing with --

Q How about accountability, then?

MR. SNOW: Accountability is there. It is written into the law. And the only way accountability doesn't exist is if you believe that the military is not committed to it, and that the people involved in the program are not committed to it.

Q Is Congress impugning the military by writing this law in the first place?

MR. SNOW: No --

Q -- to write laws regulating this behavior. Isn't that also impugning the --

MR. SNOW: No, as a matter of fact, we got to this point because of a Supreme Court decision.

Q But Congress still wrote the law and they wrote --

MR. SNOW: Well, of course, because --

Q -- infractions and punishment in the law.

MR. SNOW: Exactly.

Q They must not be presuming that everybody in the military is going to be 100 percent --

MR. SNOW: No, I think they wanted to make sure -- no, if you recall, the debate was, first under Hamdan, the Supreme Court said, Congress, you do it. So that's why Congress did it.

Secondly, Congress also had to figure out a way to incorporate Common Article III which does, in fact, deal with infractions of this sort. So as part of the regular process of doing this definition, it's not impugning, it's, in fact, giving specificity to the items in Common Article III. And you can't do that without laying out the conditions that would fall under --

Q I'm sorry. The logic of what you're saying is that the military should not be subject to laws --

MR. SNOW: No, no, that's not what I'm saying.

Q To do so is to presuppose that they may do --

MR. SNOW: No, no, no.

Q -- and we can't do that, is what you're saying.

MR. SNOW: No, it's not what I'm saying. What I'm saying is that they are subject to laws. What you're saying is, if we can't look over their shoulders, how do we know the law applies.

Q Exactly. How do you -- how can you enforce the law if you --

MR. SNOW: Well, again, because you do have accountability. You have outside actors looking in on every juncture. It is built in. And therefore, there are measures that are taken within this.

Q Who are the outside actors?

MR. SNOW: They are independent of the questioning that's going on. But they've also been trained in taking a look at what the proper guidelines are for interrogation under the law, trying to make sure that people do not go beyond the boundaries of a proper interrogation.

Q You won't say who they are --

MR. SNOW: These are people who work for the federal government who are charged with doing it.

Q They're not independent if they're working for the federal government.

MR. SNOW: They're independent of the questioning. Let me -- well, never mind. Go ahead.

Q No, what were you going to say?

MR. SNOW: No, it's -- it would be snarky, and that's not worthy of me.

Q Oh, come on.

Q Do you expect this law to end up back in the Supreme Court --

MR. SNOW: No. I mean, our legal team spent a great deal of time working hard on this. One of the reasons you didn't have, for instance, a signing statement is that we think it all passed constitutional muster. And the people who worked on it have worked very hard. So we'll see.

Q It was already under challenge even before it's been signed.

MR. SNOW: Well, then, in that case, it will end up before a court, but we'll see what the courts say.

Q Do you think -- this has been described as a compromise. The President basically got everything he wanted, didn't he?

MR. SNOW: Pretty much, yes.

Q Tony? Two questions. Does the President believe that the American Revolution, led by George Washington, should be compared to Hamas, with their charters Article 15, which calls for the destruction of Israel, and Article 7, which calls for the killing of Jews?

MR. SNOW: No.

Q Good. In Secretary Condoleezza Rice's speech last week to the American Task Force on Palestine, she said, "I believe that there could be no greater legacy for America than to help bring into being a Palestinian state for a people who have been humiliated too long." My question, since the Palestinian Authority's President, Mahmoud Abbas, co-founded Fatah with Arafat and funded the Munich massacre of the Israeli Olympic team, and wrote his Ph.D. thesis denying the existence of the Holocaust, how can the President agree with Secretary Rice that it would be a great legacy to have a Palestinian state run by Abbas and Hamas?

MR. SNOW: I believe he did not say, run by Abbas and Hamas. But on the other hand, Prime Minister Abbas has also demonstrated a willingness to pursue democracy and work directly with Israel. And he stands absolutely behind what the Secretary of State said.

Q He said he's ready to recognize Israel, are you saying?

MR. SNOW: I think we've long since recognized Israel.

Q No, beg your pardon?

MR. SNOW: You're talking about Abbas, I'm sorry. Yes, they talked about recognizing Israel within the context of the settlement.

Q I can't recall that.

MR. SNOW: Okay. Victoria.

Q Tony, when the high-profile prisoners were transferred to Guantanamo, we were told that the CIA prisons were empty.

MR. SNOW: Yes.

Q Are they still empty?

MR. SNOW: That I will not answer.

Q We were told that they were empty. So you're --

MR. SNOW: They were empty. Well, that's what --

Q You told us something about them, so they weren't entirely secret.

MR. SNOW: That is correct, but I'm not at liberty to make any further announcements about --

Q Initially, you told us that they didn't exist, and then the President told us all about them.

MR. SNOW: No, what the President said is that there were --these were people who were detained. I don't believe anybody has ever talked about secret prisons. That is a -- they've talked about detention facilities. Whether they qualify as secret prisons, or not, I don't know.

Q So then it's just language --

MR. SNOW: No, no, it's not just language. Well, in any event, I'm not at liberty to go any further into what may or may not be happening, and I will leave that to the CIA Director.

Q Why is it not possible to know if -- not necessarily who, but just to know if there's anybody there?

MR. SNOW: Because that's just the way it is.

Q You said "dormant" yesterday. Do you stick by that comment?

MR. SNOW: I said it was -- no, I said it was dormant during the period -- what happened was, when there was no law it was described as being dormant. This was a program that could no longer go forward. And I am not at liberty to divulge any further details about what may have happened in the last two hours since the law was signed -- or hour and a half.

Q Can I just go back one more time --

MR. SNOW: Yes, sure.

Q I'm trying to develop some sense of a way to get my arms around this. If you have a police department in the United States conducting interrogations, and they police themselves, and the public never has any idea about what's going on behind their closed doors -- of interrogation techniques, there probably wouldn't -- it doesn't smack of something that's American. It probably runs -- and to question those police officers is not an un-American thing, is it, to question --

MR. SNOW: Well, as you know, there are within police departments internal affairs departments which take a look at things, and there are analogous departments within the military that take a look at these things. But again, if you have run-of-the-mill prisoners, these things may apply. Jim, these people are so bad that their host governments don't want them back. I mean, so the point is you're dealing with very dangerous characters. It's a very small group of people we're talking about. And they have not traditionally been accorded exactly the same level of transparency. However, what they have been guaranteed are their full rights. They have legal representation, they have the ability to appeal in court, they have the ability to appeal about the admissibility of evidence. They have all these rights. I mean, all of this is in the law. And furthermore, if somebody is construed to have gone over the line in the questioning, that is something that also can be adjudicated.

Q But that's the difference here, is the quality of the detainee we're talking about?

MR. SNOW: It's the unique nature of the detainees.

Q -- that allows for a different procedure --

MR. SNOW: It's a different procedure, but it is the same effort to guarantee representation and human rights.

Q You said you would follow up on a question yesterday related to common law marriage --

MR. SNOW: Oh, and I forgot to. I apologize, I'll do that. So what again -- it's common law marriage, whether that --

Q Well, it's the legal reasoning the administration uses for gay marriage bans -- repeatedly says that the President believes in the sanctity of marriage and that marriage should be between a man and a woman. Well, my question is that this legal status is -- protection under the law is given to unmarried men and women as long as they live together --

MR. SNOW: I guess -- the reason it hasn't come up is that I'm not sure there have been any shacking up bans. But when they arise, it might be time for an official opinion.

Q Well, if I may ask one other question --

MR. SNOW: Yes.

Q -- with respect to domestic partners. Is there any reason or -- why is that not discriminatory if a man and woman who are unmarried get the same protections under the law as a married man and woman, but domestic partners aren't given the same --

MR. SNOW: That is something -- again, this gets you into federalism issues and I would refer that to the several states which have different ways of treating it.

Q Thank you.

MR. SNOW: Okay, thank you.

END 1:38 P.M. EDT

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A photograph of Mr. Snow was deleted from the document that
was posted on the White House web site.]