

## U.S. won't defeat enemies by acting like them

by *The Peoria (Ill.) Journal Star*

Former U.S. Attorney General John Ashcroft says in a new book that America's lone remaining enemy combatant, arrested in Peoria, Ill., in 2001, was not simply a credit-card scammer raising funds for al-Qaida but a disciple of Osama bin Laden pegged to head the "next wave" of suicide attacks in Los Angeles.

If that's the case, and the U.S. Justice Department has the goods on Qatari national and former Bradley University graduate student Ali Saleh Kahleh al-Marri, then current Attorney General Alberto Gonzales should charge and prosecute him, present the evidence in a fair trial where he's allowed to defend himself, and let the chips fall where they may. If prosecutors are convincing, al-Marri will be convicted and punished. That's the American way.

Instead the U.S. government has adopted the old Soviet way, locking up al-Marri indefinitely in a Navy brig in South Carolina, where he's in solitary confinement, denied visits even from family. He has been incarcerated for more than five years and could be forever, given his current status. In 2003 he was declared an enemy combatant by President Bush, meaning due process could be denied him. Locked up without charge and never heard from again - Soviet gulags were known for that, once upon a time.

Ours is no defense of al-Marri, who perhaps is the bad guy he is alleged to be. Ours is a defense of more than two centuries of tried-and-true jurisprudence, and of a Constitution that, unique throughout the world, recognizes basic human rights.

We appreciate that al-Marri is not a U.S. citizen, but either America stands on its principles as a nation in which the rule of law prevails or it does not. When those are compromised out of fear or convenience, when our actions do not match our rhetoric, then we lose credibility for our cause throughout the world, which in the long term is self-defeating. We have begun to see the fruits of that in Iraq. When it becomes clear that you are not what you pretend to be, you lose the moral authority to go to another nation and say, "Our system of government is best and you must adopt it."

More importantly, such hypocrisy over this length of time is an acid that corrodes from within. Citizens, even fearful ones, finally get around to noticing there's something not quite right about this, that it's not the America they were promised. Indeed, if a president has the power to unilaterally deprive a man of what he values most - his freedom, his family - without having to justify it, then what's to stop him from doing so to anyone? Then we have not the rule of law but the rule of men. We are lying not only to the world but to ourselves. You can only live a lie so long before it catches up with you.

We would hope that a federal appeals court in Virginia at long last recognizes that in February and rules that al-Marri deserves his day in court.

Bush is right in his analysis that Islamic extremism and the terrorism it has spawned are threats to the U.S. and world. We're at war against an enemy that plays by no rules. It may be perverse reaffirmation of central Illinois' status as hub of the universe that this enemy combatant would, in Ashcroft's words, "set up operations in Peoria, in the heart of our nation." Some folks may retain the belief that our overall safety makes the potential for individual mistakes along the way tolerable.

We fear that historians will someday characterize this as a dark period in America's civil liberties history, when our nation's leaders wrongly concluded that the only way to defeat our enemies was to become more like them. It may be backfiring already.

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