

Close Guantanamo

by The San Diego Union-Tribune

The Bush administration has had nearly six years to bring the terrorist detention camp at Guantanamo into compliance with the Constitution. Yet the sturdy American judicial system, to its everlasting credit, continues to strike down the administration's audacious claims that any person the president chooses to label an "enemy combatant" has no legal rights or constitutional protections, and is subject to being held indefinitely without charges and without access to due process.

In the meantime, Guantanamo has become a universal symbol, rightly or wrongly, of an authoritarian judicial regime that ignores individual rights, once the global hallmark of American democracy. Thus even such an authoritarian figure as Vladimir Putin can draw international applause by condemning "Guantanamo - detentions without normal court proceedings."

It now is glaringly plain that the internment system established in Cuba by the Bush administration after the Sept. 11, 2001, terror attacks is an abject bust. Its chief accomplishment has been to undermine in the eyes of the world America's reputation as a nation of laws and a champion of human rights. Guantanamo can't be fixed. The only sensible solution is to shutter the compound, transfer the detainees to American soil and prosecute them under U.S. laws and the Constitution, which allow for lifetime prison sentences and even the death penalty for those convicted of heinous crimes.

This simple, straightforward remedy was proposed this week by Colin Powell, the former secretary of state and Joint Chiefs of Staff chairman. It is an idea whose moment has long since arrived.

The singular reason the Bush administration located its terrorist detention base at Guantanamo in the first place was to restrict the reach of U.S. courts under the principle that the Constitution does not extend offshore. But this premise has been shredded by a bevy of federal judges, from the Supreme Court on down. Transferring the 385 Guantanamo terror suspects to the United States and trying them in the federal courts would entitle them to lawyers, the right to challenge their detentions before a judge, jury trials and other protections. This is, of course, precisely what the Bush administration wants to avert. Yet as Powell compellingly observed, aren't such individual rights what separate the United States from repressive regimes around the world?

The administration's overreach on terror suspects was underscored dramatically this week when the 4th U.S. Circuit Court of Appeals in Richmond, Va. - a panel long regarded as sympathetic to the government - struck down the policy of indefinitely locking up "enemy combatants" without being charged. The case involved a legal U.S. resident, Ali al-Marri.

In a sternly worded opinion, the appellate court declared the "Constitution does not allow the President to order the military to seize civilians residing in the United States and then detain them indefinitely without

criminal process, and this is so even if he calls them 'enemy combatants.'" Such a ringing defense of the Bill of Rights would be a fitting epitaph for Guantanamo.

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