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Prisoners of the new war

Editorial
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THE PENTAGON is said to be mulling the possibility of trying its prisoners at Guantanamo Bay Naval Base in Cuba in military tribunals based on its own Manual for Courts-Martial rather than in the kangaroo courts they're currently subject to.

Great idea.

Why wait?

It is wrong to make these 500 or so men from 40 countries - most held for three years already at Guantanamo and all but four still not formally charged with any wrongdoing - linger even longer in doubt. No American in a foreign country would wish to be treated this way, especially with the good odds that he wasn't guilty of anything: Base officers have estimated that 40 percent of current detainees don't have any useful terrorism information, aren't likely to be charged with anything, and should be released.

We are beyond tired of the water-torture drip of news about bad-faith U.S. prisoner practices. Just in the past few weeks, the Army acknowledged that 24 prisoners had been killed while in U.S. jails in Iraq and Afghanistan in 2003 and 2004. It released documents including sworn statements recounting an officer in Iraq in 2003 telling soldiers to "take the detainee[s] out back and beat" them.

Giving prisoners the right to see a lawyer and to attend the proceedings and learn of the evidence against them is basic to the rule of law. Acknowledging that one is holding a citizen of this or another country is basic good government.

Some in the administration argue that they must wait to see if the current "military commission" setup is ruled legal in federal appeals court. But if the Pentagon changed its policies so that the new tribunals would meet the criticisms of the lower court, the appeals court could well consider the matter closed, saving all sides money and time, and returning the rule of law as the model for our government's behavior.