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## What's Going On at Gitmo? Detainees Shouldn't Be Kept In Legal Limbo

Editorial  
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Some places are so tainted by the horrors that happened there that decency leaves but one option: Shut them down. The editorial board does not believe that Guantánamo is among them.

Charles Krauthammer: Have we lost sight of 9-11 and the global war on terror? That judgment sets us apart from some respected voices on human rights, including former President Jimmy Carter, who this week urged the Bush administration to close Gitmo as a demonstration of "our nation's historic commitment to protect human rights."

That's powerful symbolism, but it strikes us as misguided for two reasons. First, the symbolism itself is double-edged, easily interpreted as a lack of resolve rather than a commitment to the rule of law. Second, it does not address the substance of a very real problem.

Some of the roughly 500 people held at Gitmo have demonstrated that, if they were at large, they would be working to destroy our country. We have a right to hold them and seek information from them. Others, some of whom have been in custody for more than three years, are not terrorists and should be released.

The trouble – and it is grave – is that our government seems uninterested in making those determinations. The military tribunals assigned the task are moving excruciatingly slowly. Only a handful of cases have been processed thus far. That is unacceptable.

To remedy the situation, which is undermining America's already shaky credibility, the administration should:

- Appoint an independent commission to investigate Gitmo and other detention centers and make a full public report;
- See that prisoners are treated humanely and that trials are conducted according to established international standards for fairness;
- Ensure that detainees are not held incommunicado or without knowledge of the charges against them.

Some argue that extraordinary times justify extraordinary measures. History rebuts them. Our most fundamental protection against arbitrary imprisonment, the writ of habeas corpus, was entrenched in practice in the 15th century and written into law in 1628 as push-back against two English kings, Henry VII and Charles I, who sought to crush invasions and insurrections with tyrannical police power.

British society decided to err on the side of openness and liberty, and the British crown survives to this day.