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Detention Unrestrained

Letters to the Editor
Washington Post
January 27, 2005

Robert H. Bork and David B. Rivkin Jr. ["A War the Courts Shouldn't Manage," op-ed, Jan. 21] describe as disastrous a Supreme Court decision in which "aliens held at Guantanamo Bay, not a part of the United States or within the jurisdiction of any federal court, were held to have a right to a habeas petition."

Perhaps it would help to remember who is holding them: the U.S. government. The administration would prefer the freedom to act without being subject to judicial review -- hence the decision to detain people in Guantanamo, which in the absence of *Rasul v. Bush* would not be under the jurisdiction of any court.

President Bush made freedom from tyranny a central message of his inauguration speech. We would do well to support this freedom by ensuring that the actions of our own government are properly constrained by our own most fundamental legal principles.

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