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Freedom and terrorism

OUR OPINION: BRITISH LAW LORDS UPHOLD FUNDAMENTAL CIVIL LIBERTIES

Editorial

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At a time when the United States and other democracies are under assault from terrorists, it takes courage to stand up and declare that there are limits to what the government can do in the name of national security. In Britain, the Law Lords, that nation's highest legal authority, rose to the challenge a few days ago in a powerful and articulate defense of fundamental civil liberties.

The panel of nine members of the House of Lords, roughly equivalent to our Supreme Court, ruled 8 to 1 that the incarceration of nine foreign Muslims for indefinite terms was a violation of the European Convention of Human Rights. The men are being held under the Anti-Terrorism, Crime and Security Act, Britain's version of the U.S. Patriot Act. It was passed in the wake of 9/11 and allows foreigners suspected of terrorism to be held indefinitely -- without charges. Critics call their jail ``Britain's Guantánamo."

One court member said in his opinion that giving the state authority for such detentions posed a greater threat to democracy than terrorism. ``It calls into question the very existence of an ancient liberty of which this country has until now been very proud: freedom from arbitrary arrest."

Precisely. Freedom is too precious, and has been purchased at too high a cost, to surrender it whenever there is a threat of attack. The war on terrorism, as President Bush often says, is a new kind of war and demands new forms of vigilance. But as our own Supreme Court ruled last June in a case involving the terrorist prison at Guantánamo Bay, no threat justifies giving the government a "blank check" to suppress civil liberties. There is something comforting in the knowledge that jurists in the nation from which we derive our legal tradition continue to uphold such basic values.