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ONE STEP BACK

Senate vote to strip Guantanamo detainees of legal rights affirmed by the Supreme Court sends the wrong message to the world about U.S. justice.

Editorial
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THE U.S. Senate narrowly approved an amendment by Sen. Lindsey Graham of South Carolina to deny basic legal rights to prisoners held by the United States at Guantanamo Bay. If approved by the House, the measure would prevent prisoners from seeking redress in American courts and invalidate hundreds of habeas corpus motions already filed by detainees to force authorities to justify their imprisonment.

The measure is contrary to traditional American concepts of justice and will damage U.S. stature abroad.

The U.S. penal facility at Guantanamo holds about 500 people designated by U.S. authorities as enemy combatants. The administration wants to limit their contact with civilian courts to narrow procedural matters. Sen. Graham justified his measure on the grounds that excessive legal actions by detainees were interfering with efforts by military officials to gather intelligence from them.

If enacted into law, the Graham legislation would roll back last year's Supreme Court ruling affirming the right of detainees to use American courts to challenge their imprisonment. It might also render moot a challenge to the administration's decision to use military tribunals to conduct war crimes proceedings against some detainees at Guantanamo.

The Senate's action came the same week that the Washington Post disclosed the existence of secret CIA prisons in Eastern Europe, where prisoners have been kept for interrogation. Sen. John McCain, R-Ariz., also won Senate approval for an amendment to prohibit inhumane treatment of prisoners held by U.S. forces, a restriction the White House opposes and may be subject to a presidential veto.

McCain, a prisoner of war during the Vietnam conflict, understands the value of adhering to established international standards for the treatment of prisoners. The Senate should reconsider its latest action and remove the restrictions on Guantanamo detainee's legal rights.

The war on terror will not be won by systematically discarding hallowed American legal protections, both for our own citizens and foreign nationals in U.S custody. Indefinite and secret detainment of suspected terrorists without access to legal procedure or judicial oversight does more damage to our values and image than can be justified by marginal gains in intelligence.