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## Lay out case against detainees

LEONARD PITTS (Op-ed)  
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I refer you to "Beverly Hills Cop."

Specifically, the scene in which the police lieutenant demands to know why the scruffy detective from Detroit has been harassing an upstanding local businessman. Our hero explains that the businessman is actually a smuggler, murderer and all-around bad person. The only thing is, the detective can't prove it yet.

Pause a beat. Then the lieutenant says, "Forget what you can prove. Talk to me."

It's a small moment, but it captures something of our ambivalence toward the machinery of justice. Meaning the sense one sometimes gets that with its emphasis on the rights of the accused and its maddening insistence on legal standards of proof, the system is ill-equipped to comprehend the harsh realities of the world. And far too prone to letting the guilty get away.

So it is tempting to say, forget proof. We know what happened. Let's nail the sucker.

Which brings us to Guantanamo Bay, Cuba. And to ominous news that the Bush administration is pondering a change for suspected terrorists held at the U.S. military base there. The Washington Post reported Sunday that plans are afoot to make the imprisonment of those men permanent.

Think about that. Men never proved to have planned or participated in any terrorist action. Jailed for life. By the United States of America.

That's chilling.

In all fairness, I understand the administration's dilemma. The war on terror is unlike traditional conflicts in that it is a struggle not with another nation but with an ideology. That means there'll never be a moment when a surrender is signed and prisoners are repatriated.

And while I'm being fair, let me grant that the White House is privy to classified information about these people that you and I are not. Maybe they are terrorists, as advertised.

Point being, I understand why it's tempting to look the other way and let the administration do as it insists it must.

But that doesn't make it moral. Especially given that this White House has a history of getting it wrong. Yes, I'm talking about the alleged weapons of mass destruction that were never found. But I'm also talking about persistent reports that many of those detained - and, too frequently, abused - by U.S. personnel should never have been imprisoned in the first place. Indeed, a 2004 report from the International Red Cross quoted military intelligence officers as saying that anywhere from 70 percent to 90 percent of those taken into custody in Iraq were innocent of any offense.

Those are not numbers that inspire great confidence.

So you can see why I am hesitant about giving the White House license to do as it wishes with the prisoners in Cuba. Not that it would feel it needed my approval. Or anybody's.

What's being pondered here unfortunately is typical of the arrogance of the Bush administration. It is already under fire from human-rights activists, the international community and the U.S. Supreme Court for a policy of open-ended incarceration. So naturally, it starts crafting a policy of permanent incarceration.

In other words, damn the torpedoes. Full speed ahead!

Ahead to where, maybe they'll tell us someday.

In the interest of its own credibility, the administration should accept, should seek, a forum - binding, independent, nonpartisan and secret only to the degree required by national security - to lay out its case against the internees.

Instead, it says simply, "Trust us" and banks on our fear of terror and ambivalence toward the rules of justice to ensure we do exactly that without asking too many hard questions.

I suspect history will not be gentle with us if we comply.

"Forget what you can prove" is fine as fiction, but it is frightening as human-rights policy. You see, sometimes, the reason you can't prove somebody committed a crime is simple:

He didn't.

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