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## Limits and Liabilities in the 'War on Terror'

Letters To The Editor  
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The Bush administration, the Pentagon and the CIA are making plans for indefinite detention -- a life sentence without due process -- for those inmates at the U.S. naval base at Guantanamo Bay, Cuba, and elsewhere for whom there is insufficient evidence of guilt to justify a trial but who nevertheless are deemed too dangerous to be set free [front page, Jan. 2].

They argue that under the laws of war, these are "enemy combatants" -- a term that they conflate with, and distinguish from, "prisoners of war" as it suits their purposes -- and therefore can be held until the "global war on terror" is "won."

Two faulty assumptions underlie this argument:

- The so-called global war on terror is comparable to other wars we have waged against enemy nations.

"Terror," however, is not a coherent enemy power, such as Germany and Japan were in World War II. It is a tactic used by the aggrieved and desperate and relatively powerless against the powerful anywhere in the world.

A "war on terror" is at best a metaphor -- not a reality -- and an inaccurate one at that, for the more "war" we wage, the more "terror" we spread. War cannot stop terror; it creates the chaotic conditions for its propagation, as seen in Iraq.

If the "war on terror" is not a real war, then the detainees at Guantanamo are not real POWs, because no government's surrender would bring the "hostilities" to an end.

- Persons for whom we have no evidence of criminal conduct pose a clear and present danger and therefore must be detained indefinitely.

In our legal system, people are presumed innocent until proven guilty, not vice versa. The logic being used to support permanent incarceration is analogous to the infamous and racist logic of Chief Justice Roger B. Taney in the Dred Scott decision -- that Arabs have no rights that Americans are bound to respect.

This government is arrogating to itself the right to imprison people indefinitely without due process on the grounds that they are "enemy combatants" -- a designation the administration alone determines without appeal. What is to stop the administration from applying the same designation not just to foreigners with Arabic names but to domestic dissidents as well?

THOMAS I. ELLIS

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Our government is discussing what level of torture of suspected terrorists is acceptable for suspected terrorists and how they can be held for life without trial. We are thus discussing not

whether any torture is acceptable nor whether imprisonment without trial is permissible in a democracy but how both can be done most efficiently and productively.

The highest appeals court in Britain recently threw out laws introduced by the Blair government to hold suspected terrorists indefinitely ["British Court Deals Blow to Terror Law," news story, Dec. 17]. In his opinion, Justice Leonard Hoffman stated: "The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these."

May his words be inscribed in stone somewhere in Washington, near the Lincoln and Jefferson memorials, to remind panicky politicians of the true tradition of democracy.

BRIAN TILBURY

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Thanks for the insights on the treatment of detainees at Guantanamo Bay ["War Crimes," editorial, Dec. 23], but maybe next time, The Post could discuss its proposal for a more effective way to obtain information from people whose concept of morality is so counter to Judeo-Christian ethics as to be inconceivable.

Given that this is a faction that kills noncombatant women, children, fellow countrymen and themselves, I'd like The Post to expound on its criticism of the status quo by explaining its plan for obtaining information from these prisoners to sort them out.

ANDREW HENDERSON

San Diego

The writer is a Navy judge advocate who has investigated allegations of prison abuse.

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The Post's recent profile of Alberto R. Gonzales described an admirable human being [news story, Dec. 28]. This is not to say that he is a good candidate for attorney general of the United States.

Mr. Gonzales's record with regard to advice about detainees' rights indicates that he is willing to bend his considerable legal talents to please his boss -- e.g., his views that the Geneva Conventions are "quaint" and torture doesn't occur unless there is intent to cause physical or mental damage.

This advice may have led to the abuses at the Abu Ghraib prison and to torture at other prisons. The courts are slowly repairing some of the damage to the rule of law caused by Mr. Gonzales and others, and indeed the Justice Department recently redefined torture to bar acts not excluded in Mr. Gonzales's definition [news story, Dec. 31].

We do not need another attorney general who shows disrespect for the legal system he is appointed to protect.

MARJORIE RAMPHAL

Sandy Spring

