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Congress Confronts Terror-Detainee Issue

OUR OPINION: TOO EARLY TO JUMP ON 'CLOSE GUANTANAMO' BANDWAGON

Editorial
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At long last, Congress has awakened from its deep slumber and is preparing to tackle the issue of how the United States treats detainees in the war on terror. This is encouraging, if shamefully overdue, but let's withhold the applause until it becomes clear that legislators are willing to take some political heat to deal with the tough issues that are involved.

Review and oversight

To begin with, no one should be jumping on the "close Guantánamo" bandwagon before explaining what happens to the 520 prisoners who are there today. More to the point, the Guantánamo detention facility isn't some mere "PR problem" for the United States, but instead is emblematic of a broad range of Bush-administration policies and practices that desperately need review and oversight.

The hearings that will begin this week before the Senate Judiciary Committee should have a twofold purpose: to determine how we arrived at a situation in which the United States is holding hundreds of prisoners in Guantánamo and elsewhere under rules that violate some of our most basic precepts of civil liberty; and to prescribe new rules for detention and interrogation of these and future detainees. The latter will be more difficult, but the former is just as important.

Among the most important questions that remain to be answered is, Who authorized what kind of procedures? Secretary of Defense Donald Rumsfeld and Attorney General Alberto Gonzales, in his earlier role as White House counsel, played a role. But the decision-making process has been nebulous, and -- to its shame -- Congress has been ducking this and related issues for nearly four years.

There are other significant questions: Can any kind of torture ever be considered legal by U.S. authorities? Do courts have a right to review secret presidential decisions involving treatment of terror detainees? How can our laws reconcile the rights of detainees with the imperative need to ward off another 9/11 attack?

Cherished ideals

As they ask these questions, lawmakers must start creating a legal framework that deals in some fashion with the issue of whether and under what circumstances coercive force is permissible. As things now stand, there are secret prisons, secret transfers ("rendition") and an extra-legal universe that consists of terror detainees and those who guard them.

This is ground where Congress understandably fears to tread. For most Americans, still in shock over 9/11, the overriding issue remains our nation's security against terrorist attacks, not how potential terrorists are treated.

It is incumbent upon Congress to make clear that upholding our most cherished ideals in a time of challenge signifies devotion to the nation's principles. Abandoning those ideals is a betrayal of our history.

