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Now, U.S. Becomes the Enemy

Errol Louis (op-ed)
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America enters 2006 - Year Five of the Global War on Terrorism - with the White House breaching its constitutional limits so frequently that the violations barely make news.

Two days before the new year holiday weekend, for instance, the Pentagon confirmed that 84 of the approximately 500 suspected "enemy combatants" who have been jailed on American military bases at Guantanamo, Cuba, for the last few years are on a hunger strike.

The military authorities, who consider the hunger strike a publicity stunt, have taken to inserting feeding tubes into prisoners to keep them alive. Most of the prisoners at Guantanamo were captured in battle when American forces drove the Taliban out of Afghanistan in the months following the 9/11 attacks.

Many Americans, upon learning that hundreds of suspected terrorist soldiers have been jailed for years, denied contact with lawyers or the outside world and not charged with any offense, are likely to shrug and say, "Who cares?" That indifference represents a victory for those who would weaken and destroy our democracy and its institutions.

More than a year and a half ago, the Supreme Court ruled in a case called Rasul vs. Bush that detainees at Guantanamo have the legal right to contest their imprisonment. But 18 months later, only nine prisoners have been charged with any offense, and many of the rest remain in legal limbo as the Bush administration fights, tooth and nail, for the right to keep them in prison indefinitely.

An estimated 200 of the prisoners say they were grabbed by mistake, which could well be true. Children and senior citizens have turned up among the hundreds jailed at Guantanamo.

While waiting for a chance to plead their innocence - or guilt, for that matter - the prisoners have been subjected to forms of coercion ranging from the chilling to the ridiculous.

A declassified Pentagon report issued in 2005 found that Mohamed al-Qahtani, a Saudi national believed to be linked to the Sept. 11, 2001, attacks, was forced to dress in women's underwear, interrogated for 20 hours at a time for 54 consecutive days, tied to a leash, forced to perform dog tricks and held in solitary confinement for 160 days.

Other prisoners got similarly degrading treatment, such as being threatened by a snarling military dog or told their families would be killed.

In a now-infamous case, a female interrogator smeared red ink on a detainee and told him it was menstrual blood, after which "the detainee threw himself on the floor and started banging his head," according to the report.

While some Guantanamo personnel were disciplined for inventing nonapproved forms of questioning, a military review found that none of the above antics constituted torture.

It's long past time the prisoners were given some kind of day in court, before the hunger strikers begin growing ill and/or dying while in custody.

"They may be Al Qaeda, they may be Taliban, they may be the worst people in the world," Sen. John McCain (R-Ariz.) says. "But there are certain rules and international agreements the United States has agreed to."

McCain has put his finger on a grim, important truth facing America. By averting our eyes and minds from Guantanamo, we are allowing the erosion of our country's Constitution and legal institutions.

In other words, we are running the grave risk of doing the terrorists' work for them.