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Dangerous Territory

BOB HERBERT

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There has been some encouraging news lately for those who cherish freedom, democracy and the rule of law.

No, I'm not talking about last week's election in Iraq. I mean the recent developments here at home, in the United States.

President Bush, who bloodied John McCain in the brutal Republican primary in South Carolina in 2000, had to cry uncle last Thursday and accept Senator McCain's demand that the U.S. ban cruel, inhumane and degrading treatment of prisoners in American custody.

It was an embarrassing defeat for the Bush administration, which, in its high-handed approach to governing, has shown no qualms about trampling the fundamental tenets of a free, open and democratic society.

But worse was to come for the president. On Thursday night, The New York Times disclosed that Mr. Bush had secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for terrorist activity "without the court-approved warrants ordinarily required for domestic spying."

Warrants? Why bother with warrants?

The Times article reminded me of the famous scene from "The Treasure of the Sierra Madre" in which the character played by Humphrey Bogart asks to see the badges of a group of Mexican bandits posing as government officials.

Incredulous, one of the bandits says: "We don't need no badges. I don't have to show you any stinking badges."

Mr. Bush apparently feels the same way about warrants. He said over the weekend that he had no intention of changing his eavesdropping policy.

Stubbornness is a well-known trait of this president. But increasing numbers of Americans are objecting to the administration's contemptuous attitude toward liberty and the law. On Friday, the Senate blocked reauthorization of the Patriot Act because of its dangerous intrusions on privacy and threats to civil liberties.

The domestic eavesdropping authorized by President Bush was an important and at times emotional part of the floor debate over the Patriot Act. "You want to talk about abuses?" said Senator Russell Feingold, a Wisconsin Democrat. "I can't imagine a more shocking example of an abuse of power, to eavesdrop on American citizens

without first getting a court order based on some evidence that they are possibly criminals, terrorists or spies."

Mr. Feingold worried that we were playing into the hands of terrorists by giving up such quintessentially American values as "freedom, justice and privacy."

The Bush version of American values, as least with regard to the so-called war on terror, has been a throwback to the Middle Ages. Detainees were herded like animals into the prison at Guantanamo Bay, Cuba, where many were abused and denied the right to challenge -- or even hear -- the charges against them. Whether they were innocent or guilty made no difference. How's that for an American value?

Others were swept up in that peculiar form of justice called extraordinary rendition. That's when someone is abducted by Americans and sent off to a regime skilled in the art of torture. I spent a little time in Ottawa with Maher Arar, a family man from Canada who was kidnapped at Kennedy Airport and taken to Syria.

He wasn't a terrorist and he hadn't done anything wrong, but that was no defense against the sweeping madness of the Bush antiterror policies.

"It was so scary," Mr. Arar told me. "After a while I became like an animal."

Another blow to America's self-proclaimed standing as a pillar of moral values was the revelation that the C.I.A. has been operating a super-secret network of prisons overseas, presumably for terror suspects. If someone who is innocent gets caught in that particular hell, too bad. The inmates have been deprived of all rights.

This is dangerous territory, indeed. Nightmarish territory. These secret prisons are the dungeons of the 21st century.

The voices against the serial outrages of the Bush administration are growing steadily louder, and that's good news. It's widely understood now that the Bush crowd has gone much too far. When Americans cover their hearts and pledge allegiance, this is not the kind of behavior from their government they usually have in mind. This is not what the American flag is supposed to represent.