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Guantanamo Bay and Prison Abuses

## **Time For a Full Probe**

Editorial  
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Arlen Specter wants an independent commission to look into the lawless shadowland known as Guantanamo Bay prison.

Good idea.

Pennsylvania's senior senator also thinks it's time the U.S. Senate did its constitutional job and helped to set rules for treatment of the foreign prisoners whom the United States has rounded up since Sept. 11.

It's striking to see what good ideas come to a politician who's free to think more about the judgment of history than the judgment of the next poll.

The worth of an independent look into Guantanamo, ala the 9/11 commission, could be great.

The U.S. government has committed sins of hypocrisy, lawlessness and abuse in the name of its "war on terror"... er... "global struggle against violent extremism" or whatever Karl Rove decrees it should be called this week.

Specter makes a valid point. If the capture of al-Qaeda members did, as the White House claimed, create a novel situation not covered by American criminal law or the Geneva Conventions, then it was Congress' job to help shape the new rules.

Instead, President Bush and his counselors made up a new category of prisoner, "enemy combatant," and arrogated to themselves the power to make the rules for their treatment. In the view of the U.S. Supreme Court, those rules ran afoul of the U.S. Constitution. In the view of many, they also violated international law.

The lawless setup was bad enough, but was made worse by the abusive practices allowed at "Gitmo," Abu Ghraib and other prisons around the Middle East - which, carefully spun misconceptions aside, involved abuses far worse than the scenes shown in the Abu Ghraib photos.

Clearly, the attitude of many Americans about this is, "So what? They're terrorists. They have no rights. If it keeps us safe, so be it."

That's precisely why thorough, televised hearings by an independent panel would be so valuable. Many Americans don't yet seem to grasp the harm the prison abuses have done to the nation's safety as well as its image and its values.

Many seem content to let the Department of Defense investigate itself, punish a few low-level scapegoats and go its merry way. Frankly, what's needed is a probe run by people who do not report in any fashion to Donald Rumsfeld.

On a practical level, the U.S. government's slowness to concede or fix its mistakes here has damaged some allies' willingness to cooperate in antiterrorism operations.

Moreover, the legal fictions that rule Guantanamo are unsustainable. Do we plan to keep those 550 or so men imprisoned without hearings for the rest of their lives? After years in prison, they have no more up-to-date intelligence to give on al-Qaeda. Yes, some were vile terrorists intent on doing us harm. Others were not, but might well be tempted to join al-Qaeda after this nightmare.

So their fate is a hard problem, only made worse by the arrogant mistakes of the administration.

The White House could use some good advice from Congress and an expert panel on how to repair the problem in a way that respects law while protecting Americans.

The panel could underline a sad point: At Guantanamo, America forgot a core principle of its founding.

To imprison people indefinitely without charges, appeal or Geneva Convention protection is the kind of imperial abuse that led Thomas Jefferson to write the Declaration of Independence. That document, you may recall, said that men are "endowed by their Creator with certain inalienable rights." In other words, the rights Americans enjoy belong to them not merely because they are U.S. citizens. They belong to them because they are human beings. The Bill of Rights does not grant rights; it recognizes them. A nation aiming to be a beacon to the world should respect these human rights always, not just when convenient.

It's odd that a President who says so often the words "freedom" and "liberty" would forget that.

A well-run, bipartisan, factual look at what went wrong at Gitmo and other prisons might help more Americans grasp how their ideals have been betrayed, their safety harmed - and provide ideas on how to undo some of the damage.