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Secret Laws in an Open Society (5 Letters to the Editor)

New York Times
October 26, 2004

After Terror, a Secret Rewriting of Military Law (October 24, 2004)

To the Editor:

Re "After Terror, a Secret Rewriting of Military Law" (front page, "Tough Justice" series, Oct. 24):

You report that the secret drafting of new rules was characterized by administration officials as "the determination of some influential officials to halt what they viewed as the United States' reflexive submission to international law."

The clandestine rewriting of law is deplorable whether or not international laws may have been reflexively deferred to in the past. It is horrific because it blatantly denies one of democracy's founding principles: the idea of transparency.

The government is for the people and by the people, and I, for one, do not support the indefinite holding of prisoners, many of whom have not even been officially charged with a crime.

Gina La Cerva
Poughkeepsie, N.Y., Oct. 24, 2004

To the Editor:

During the Vietnam War, our servicemen were held in prisons by the North Vietnamese. We demanded that they be treated according to the Geneva Conventions. Since the war in Afghanistan, we have held prisoners in Guantánamo, Afghanistan, Iraq and at "undisclosed locations."

Our government argues that the prisoners are "enemy combatants" and are therefore not governed by the Geneva Conventions. How can we make a credible claim with any moral authority to proceed in such a fashion?

Prominent Americans, including Senator John McCain, were among those held prisoner in North Vietnam. Perhaps their voices could effect positive change on these sad and misguided events.

Michael Wendle
Minnetonka, Minn., Oct. 24, 2004

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To the Editor:

How can it be that a group of well-educated lawyers, operating at the heart of our government, fail to understand that it is inherently undemocratic to write law in secret?

They should be sent back to university. If we treat captives by any standard of fairness other than our own, what are we?

Ted S. Levy
Weston, Conn., Oct. 25, 2004

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To the Editor:

What a tragedy for our country and the world to see how quickly the Bush administration discarded the very foundation of everything that makes us great: the rule of law.

How in the 21st century could one of the world's most civilized countries, a leader in democracy, have turned its back so quickly and decisively on our most basic and important principles? How could we, as a country, have allowed it to happen?

Carl Mattioli
Newtonville, Mass., Oct. 25, 2004

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To the Editor:

Re "Administration Officials Split Over Stalled Military Tribunals" (front page, "Tough Justice" series, Oct. 25):

One of the greatest strengths of a truly free country is an independent judiciary that can rein in an administration or a Congress that tries to assume too much power; it has been a cornerstone of American democracy.

President Bush asserts that we are at war, yet the only body that can declare war under our Constitution is Congress, and it has not done so.

Yet the Bush administration has decided that it can arrest people and hold them without charge and without counsel for as long as it chooses. This is a first step on a very slippery slope.

If we allow a president to declare people as "enemy combatants" and then use that as justification to imprison them for as long as he chooses without due process, we are on the way to becoming an authoritarian state.

Congress has a powerful obligation to uphold our laws. The average American also has a remedy. It's called the vote.

G. Kaye Holden
Fair Oaks, Calif., Oct. 25, 2004