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Terror detainees and America's gulag

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WESTON, CONN. - The Defense Department's proposal could very well be a lost chapter out of George Orwell's timeless novel "1984": potential lifetime sentences for the hundreds of people now in military and CIA custody at a prison yet to be built outside the US, and thus beyond the reach of its constitutional protections on due process.

In keeping with the Orwellian overtones for the suggested prison, the Bush administration has even drummed up a name: Camp 6. The name echoes the novel's notorious Room 101, where prisoners suffered punishment in the form of their worst fears. But, alas, this is not fiction. This is the new reality as envisioned in this second term of President Bush.

The Defense Department's plan would apply to the approximately 500 prisoners (let us dispense with the "detainees" euphemism right now), in Guantánamo Bay. This proposal will also extend to those who may be captured during future counterterrorism operations.

Who are these prisoners? They are men who have outlived their usefulness as intelligence sources and against whom the government lacks sufficient evidence to charge them in courts.

The government will not turn these prisoners over to US courts and will not let them face a military tribunal.

All the while, the government demands that American citizens take it on good faith that these prisoners are too dangerous to ever be freed. Of course, many of them might indeed be guilty of terrorist acts, or of aiding in terrorist acts. However, under the rules set forth, these prisoners are guilty first, and will never have an opportunity to prove otherwise.

The proposal outlines the transfer of large numbers of Afghan, Saudi, and Yemeni inmates from the Guantánamo Bay detention center into new US-built prisons located in other countries. And it won't be in Canada, that's for sure. The prisons are likely to be in countries where torture can be administered without legal consequence.

Although prominent Republican lawmakers such as Sen. Richard Lugar of Indiana, chairman of the Foreign relations committee, are opposed to this idea, implementation remains a strong possibility.

At this moment, the Defense Department plans to ask Congress for \$25 million to build a new prison. The government insists these inmates will enjoy more comfort and freedom than they do now and will even have the chance to socialize with fellow inmates. Tea parties and kaffeeklatsches? Don't bet on it.

Given the president's record, this course of action shouldn't surprise anyone. Appall, yes, but not surprise. After all, this is the administration that has proposed Alberto Gonzales - who advised the administration on how to circumvent prohibitions against torture - as attorney general. And the appointment is widely presumed to be a step toward sending Mr. Gonzales to the Supreme Court. This is the administration that clings to Secretary of Defense Donald Rumsfeld despite the fact that the torture scandal at Abu Ghraib happened on his watch.

This is the kind of conduct that was practiced in the Soviet Union's Lubyanka prison, where people were held interminably without ever facing their accusers. Indeed, it is the kind of treatment often doled out in Saddam Hussein's palace of punishment - Abu Ghraib prison.

Look at Britain during the heaviest period of its conflict with the IRA. The 1993 movie "In the Name of the Father" shone the spotlight on the deplorable practice of closing suspected terrorists behind bars with no chance of going before a judge. There is also the 1982 movie "Missing," about an American journalist kidnapped in Chile because he is seen as a threat to the government. Both films were based on true stories about places where prisoners were thrown into the black hole of injustice, never to be heard from again.

Yes, the war on terror requires resolve in the face of a stateless enemy. It means vigilance and going after that enemy with every resource Americans can muster. But it doesn't mean turning our backs on the law. The only reason the administration has been able to sidestep due process is that these prisoners aren't US citizens.

This proposed policy is unpardonable not only because it robs potentially innocent people of the chance to stand before justice; it potentially robs America of its right to call itself a just nation. The Bush administration has essentially thrown its precious rule of law out the window and let it land on the Constitution with a thud.

- Cathryn J. Prince, a freelance writer, is author of 'Shot from the Sky: American POWs in Switzerland.'