

**The following text may be printed, copy/pasted, or downloaded and emailed.**

## **Rights and wrongs**

Editorial  
The Baltimore Sun  
November 14, 2005

Congress today should immediately withdraw the amendment passed in haste last Thursday that would strip U.S. prisoners in Guantanamo Bay and elsewhere of the right to challenge their imprisonment. Denying habeas corpus rights to anyone - even foreigners in U.S. custody - is a terrifying precedent and must not become law.

The legislation, sponsored by Sen. Lindsey Graham, hadn't been subject to a hearing and had barely registered in the media or in public discussion when it stumbled past the Senate, 49-42. Now it goes to the House, where the military spending bill to which it is attached is expected to pass easily.

The provision would deny prisoners labeled "enemy combatants" a range of rights, including the ability to go to the courts "challenging any aspect" of their detention, such as reporting torture, asking with what crime they are being charged and requesting to see the evidence arrayed against them. It also would void all such lawsuits currently in the courts, including the Supreme Court.

One becomes an enemy combatant simply by being declared so by the president; if he wished, he could so designate an American, stripping him of citizenship as well as human rights. The last time the United States approved a blanket stripping of habeas rights was when it interned thousands of Japanese-Americans during World War II, an immoral and ineffective strategy and one for which the country has belatedly apologized.

The 500 or so prisoners at the Guantanamo have been in legal limbo for nearly four years; only nine have been charged with any crime. It is reasonable for them to ask why they are being held; because the military will not tell them, their only recourse is to the courts.

The role of Congress is to check the excesses of the administrative branch, not extend them. This amendment must not pass.