

The Post and Courier

Charleston, SC

Letters to the Editor

Saturday, January 2, 2010

Detainee status

Re: 'Detainee confusion continues,' Dec. 21.

You are right that Guantanamo has been a 'black eye,' and it must be shut down as soon as possible. But it must be shut down right, and that means ending the illegal policies that it has come to embody, like indefinite detention without charge or trial, which — by all indications — the Obama administration plans to continue on U.S. soil.

Indefinite detention without charge or trial is un-American and undermines due process and the rule of law. Despite your contention, our federal courts are well equipped to handle terrorism cases while protecting national security evidence, as they have done in over 150 successful terrorism prosecutions both before and after 9/11.

Your suggestion that any prisoners captured during the 'war on terror' should be treated under the laws of war and therefore subject to detention until hostilities end is misplaced and untenable. This is a boundless war without geographical or temporal boundaries. Where is this war located? And how would we know if it were to end?

Further, this approach would stand in the way of obtaining real justice. There are detainees at Guantanamo and elsewhere who were not captured on the battlefield or engaged in active hostilities against the U.S., but rather are terrorism suspects who can be successfully prosecuted and punished through our criminal justice system.

Now is the time to learn from our missteps in Guantanamo so that we do not create other Gitmos in the U.S.

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