



Indefinite Detention: If it starts at Guantanamo, where will it end?

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From the "too good to be true" department, President Obama's promise in January to close Guantanamo Bay prison isn't turning out to be nearly as good as it sounded. Now the president is talking about signing an executive order to authorize himself to detain 50-100 Guantánamo prisoners (up to about half the current population) indefinitely—without charges and without trials—on the basis of what he or others think they might do in the future if they are released. That sounds a lot like what Guantánamo has been and is today.

President Obama is not talking about soldiers captured on the battlefield, for which no authorization is needed. These must be people who were captured far from the battlefield. People who may be held on the basis of hearsay evidence, evidence tortured out of the detainee or a third party, or possibly even their behavior at Guantánamo—speaking harshly to the guards out of pent-up anger about their predicament, for instance.

Locking up detainees—potentially forever, without court trials—not only is wrong, but it is a precedent for locking up U.S. immigrants, legal residents, and even citizens—not for crimes they have committed, but for offences that someone in power thinks they could possibly commit at some time in the future.

Finally, denying another person their liberty is an extreme action for which our country long ago established safeguards to help prevent its abuse. The writ of habeas corpus and court trials both were included in the U.S. Constitution and have served our country well. When they are used, they help show the prisoner and the world that imprisonment is not arbitrary.

We need to stop the president now from instituting a policy that denies people their liberty, not for what they've done but for who he thinks they are and, based on that assumption, predicts that they may do something illegal at some uncertain time in the future. U.S. courts have already tried and convicted hundreds of terrorism suspects. Let's use them now.

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