

NCC hails court rebuff of Bush's detainee policy: Calls for restoration of rule of law to Guantanamo

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The National Council of Churches said the Supreme Court ruling last month barring the use of military commissions to try detainees held at Guantánamo Bay is “a reasoned affirmation of what people of faith have been trying to communicate to the White House for years.

“Any effort to deny the rule of law to accused individuals, no matter how grievous the charges, is a denial of the most fundamental expression of American democratic ideals,” the ecumenical agency said in a statement issued after the June 29 court ruling.

The court, on a 5-3 vote, repudiated the Bush administration’s plan to put ten of the approximately 450 detainees being held at the Guantánamo Bay prison facility on trial before a military commission.

The justices said such commissions—which would have sharply reduced the rights of defendants, including the right to be present at their trials and to know all the evidence against them—were unauthorized by federal statute and also violated international law.

The Council on American-Islamic Relations also hailed the ruling. Corey Saylor, government affairs director for the Washington-based group, called the ruling “a victory for the rule of law that will help to improve our nation’s deteriorating image worldwide.”

In its statement, the NCC—which has been in the forefront of those arguing for closing the much-criticized facility and treating those captured within the bounds of international law—noted that other presidents, such as Abraham Lincoln and Franklin D. Roosevelt, had ignored democratic ideals in order to do what they

believed would protect the country.

“Neither action has been upheld by the verdict of history or by the U.S. Constitution, and neither will the Bush administration’s unconstitutional decisions in Guantánamo,” the NCC statement said.

“Now that the highest court in the land has ruled, we call on the Bush administration to take prompt action to restore the rule of law to Guantánamo and everywhere else it has been undermined in the often dubious justification of fighting terrorism.”

The ruling, which barred the Bush administration from using a military commission to try Salim Ahmed Hamdan, a driver for al-Qaeda leader Osama bin Laden in Afghanistan, was called a major setback for the administration’s expansive view that the president has virtually unlimited powers in fighting the war on terrorism.

“For too long too much deference has been given to this executive in the ‘war on terror,’ and the administration has sought to apply the narrowest interpretation to judicial rulings that have gone against it,” said Rob Freer, speaking for Amnesty International.

President Bush, however, said he will work with Congress in an effort to devise legislation that would allow a revamped commission to try the suspects and still pass constitutional muster. *-David E. Anderson, Religion News Service*