

Deplorable behavior

Supreme Court must allow Guantanamo Bay detainees access to court system

This month, the U.S. Supreme Court granted an appeal by Australian, British and Kuwaiti nationals caught during the war on terrorism and being held in detention by the United States at Guantanamo Bay, Cuba. The two cases, *Al Odah v. United States* and *Rasul v. Bush*, were brought before the court by the families of the Guantanamo detainees who have been held for almost two years without access to lawyers or their families. Arguments in the cases will begin early next year, with a decision expected in June.



JENELLE WILSON

The sole question before the Supreme Court will be whether U.S. courts have jurisdiction to hear complaints from the detainees, not whether the detention itself is constitutional. If the Supreme Court sides with the government — which contends that the detainees' status is "constitutionally committed to the executive branch," according to *The New York Times* — it not only will tip the balance of power between the two coequal branches of government, it will leave hundreds of men, some of them undoubtedly innocent, stranded in small cells without any means of redress.

Just because these men were captured during times of war should not mean they lose all rights to due process of law.

The executive branch is relying on a 1950 case to justify denying detainees' access to courts. In *Johnson v. Eisentrager*, the Supreme Court ruled that the Constitution does not grant rights of personal security or immunity to alien enemies engaged in hostile service against the United States, according to the University of Chicago Law School Web site. The case concerned German nationals held in the custody of the U.S. Army in Germany after being convicted for crimes against the United States by a military commission. Because the military has jurisdiction to punish those guilty of offenses against the rules of war, prisoners outside of U.S. territory have no right to be heard in the U.S. court system.

The U.S. Court of Appeals for the District of Columbia applied this precedent to war on terror detainees in March.

However, there are two major differences between the World War II case and the current one.

First, the naval base at Guantanamo Bay is under the exclusive jurisdiction and control of the United States, and it has been since 1903, according to the *Times*. It is like a

small city, with its own schools, power system and transportation system, so saying it falls outside U.S. jurisdiction seems to be stretching the truth. To uphold the Johnson precedent in the present case would mean that the executive branch could bypass U.S. courts by simply holding aliens outside U.S. sovereign territory.

Such a policy is ripe for abuse. Anyone held in U.S. custody deserves the protections afforded by the Constitution, especially the right to a fair trial.

Second, the war on terror is not an officially declared war like World War II. To give the executive sole power to determine the fate of foreign nationals detained by the United States during a war with no foreseeable end violates inalienable rights — life, liberty and the pursuit of happiness — that Americans hold dear.

It's true that the war on terror is different from previous conventional wars. However, just because the world is currently at "war," does not mean that the U.S. government should allow those in captivity to rot away in a cell without the due process of law they should be guaranteed. To indefinitely hold someone without charges is to sink to the level of America's foes, who care little about human rights and basic fairness.

The United States has a history of deplorable behavior during times of war. An obvious example, one closely associated with the detention of people of Arabic descent, is the "relocation" of the Japanese to internment camps during World War II, a policy supported by all branches of government, even the Supreme Court in *Korematsu v. United States*. While it may have seemed reasonable at the time to contain those the government saw as a threat because of their national origin, the relocation policy during World War II is shameful and an embarrassment for which the United States has had to apologize.

Unless prisoners at Guantanamo Bay are allowed to challenge their detentions soon, this policy will become another embarrassing blot on American history. As Jackson said in his dissent in *Shaughnessy v. United States*, which upheld the Johnson precedent, "(Due process of law) is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice."

Jenelle Wilson is a senior political science major.



PAUL WILSON • THE BATTALION

MAIL CALL

Aggies must respect each other

The history of universities is one of principled seeking of truth in the marketplace of idea. To be principled and inclusive, campus discussion on the substantive issues facing Texas A&M's future must be conducted with members of the Aggie family respecting each other and seeking a high ground for discourse. To empower everyone to participate in our debates on all issues, from bonfire to core curriculum to diversity, Aggies should respect Aggies — we must expect no less from ourselves or each other.

Williams L. Perry
Vice Provost

Affirmative action has ability to hurt

In response to a Nov. 20 article:

After reading the article on the vice president for diversity and the YCT events denouncing his position, my heart broke, because if I were still a student and saw those events I would feel very unwelcome. When I decided to attend Texas A&M in 1998, I didn't have "incentives." I did, however, have a high GPA and standardized test scores, as well as transferable AP credit. I don't tell you this to brag because my pre-college credentials are nothing out of the ordinary for A&M students. What they do say is that, while the YCT may be sponsoring a pledge drive in which a white student can voluntarily give up a spot at A&M to someone who is more "diverse," no one gave up their spot for me. I earned my spot and I earned my diploma. Affirmative action, if implemented, may get you in but it won't get you across the stage.

You must remember that affirmative action has the ability to hurt everyone, not just the students who are unfairly rejected but also the students it accepts, who are branded with the label "not good enough to compete." Instead of dividing the Aggie Spirit, sponsor a booth soliciting alternative recruiting ideas to the controversial affirmative action.

Camille Goodman
Class of 2002

A&M has other biased admissions policies

I am a minority student, but I am not in favor of affirmative action. However, there were several severe mistakes on YCT's part that asks us to question its motives. YCT put large emphasis on how its demonstration was not about race; however, at a University that highly favors student athletes, prospective Corps members and multi-generation Aggies, I did not see, nor have I ever seen, YCT protesting against those aspects of admission, which are clearly biased.

It is publicly known that standards for student athletes are lesser than the regular student body. If being in the Corps had no bearing on the administration process, it shouldn't be on the application, and the same thing goes for legacy applicants. Clearly, the system already favors these types of applicants. While these are race-blind questions, they do allow admission of lesser qualified students. YCT wants a process based solely on academic merit, which would eliminate some people, under these categories, from this University. Where was the outcry over this?

Gregory Rivera
Class of 2007

Demonstration shows diversity of ideas

Although I do not necessarily agree with the platform of the YCT, its activism should not be criticized. Regardless of how you feel about diversity, the group has every right to lead a non-violent protest as a way to express its opinions and values. This group has taken a lot of heat as of late, just because it is so vocal, but the only group out countering the rally was the Mexican-American Engineers group. I would think that a campus that supposedly welcomes diversity would support the relatively peaceful demonstration of any group, regardless of how much they disagree with its stance.

If nothing else, demonstrations encourage the diversity of ideas. If we want to be a diversified campus, then we have to accept that not everyone on campus shares the same opinion, that all groups should be allowed to demonstrate their opinion and that conservatism is not the antithesis of

diversity, just a different side of it.

Lindsay Wilhite
Class of 2007

Students have to keep traditions alive

In response to a Nov. 24 mail call:

It is not the responsibility of the administration of Texas A&M to keep the Aggie Spirit and Aggie traditions alive. Its job is to make sure we have a good education and that this institution can compete with the other major universities in the United States. As Aggies, we have the responsibility to make sure that future Aggies don't forget the traditions that have set this University apart from the others, and we have the responsibility to create new traditions.

Aggie Bonfire was put on hold because of the tragedy that happened on Nov. 18, 1999. Until the litigation is finished, Aggie Bonfire will be postponed. I, also, would like to see Aggie Bonfire come back to campus, but don't blame that on Dr. Kibler, Dr. Gates or Dr. Bowen, because it is an issue they have no control over. We, as Aggies, need to fight the urge to let traditions die because of one tragedy and never let the spirit that those 12 Aggies died for become a thing of the past. Allowing the spirit and traditions to die is an insult to those who died while working to unite this whole campus.

Patrick Paschall
Class of 2007

No proof diversity helps students

In response to a Nov. 25 mail call:

Mr. Carter used the words "diverse" and "diversity" nine times, but what he failed to do was explain why artificially-created diversity is a necessary or beneficial part of the educational experience at Texas A&M.

Would higher representations of minority groups provide a better educational experience for everyone? Does diversity create a more comfortable atmosphere for minorities? Does it create more socially-aware graduates, and does that awareness some-

how help graduates succeed? Does it foster a better sense of community? Do graduates of more diverse institutions get better jobs or make more money? If the University implemented every diversity initiative in the world, would minorities suddenly flock to A&M in record numbers?

I can simply answer each question in the affirmative, feel great about myself and earn the respect of bleeding-heart liberals everywhere. But I cannot support my answers with any real evidence, other than a gut-feeling or a hunch. Apparently, neither can anyone else.

Proponents of social engineering trumpet the wonders of diversity while failing to present any empirical evidence supporting their claims that, by altering the natural representations of different racial groups within a population, students of all races will be benefitted.

Jon Appgar
Class of 1999

Democrats did not support drug bill

In response to Matt Maddox's Nov. 25 column:

Mr. Maddox claims that the Democrats support the Republican "prescription drug bill," when they really do not. The bill is a slap in the face to all older Americans. By further commercializing health care, the

Republican bill denies seniors their right to affordable health care. It is especially disappointing that the AARP sold out its members to support this piece of legislation.

Fundamentally, America's health care system is flawed. We are the only highly developed nation to have almost half of its citizens without health insurance. Why is this? It is because we continue to operate with a market-driven health care system. Whereas other nations, such as Canada and England, are able to provide health care to all of their citizens at a much lower cost, much more money is being pumped into the American system, but it is siphoned out as profits, rather than actually going towards health care. This system is headed for disaster if it is not soon changed. We need to accept only a real health care solution, and not a pretend one like the Republicans are trying to offer.

Nick Anthis
President, Texas Aggie Democrats
Class of 2005

The Battalion encourages letters to the editor. Letters must be 200 words or less and include the author's name, class and phone number. The opinion editor reserves the right to edit letters for length, style and accuracy. Letters may be submitted in person at 014 Reed McDonald with a valid student ID. Letters also may be mailed to: 014 Reed McDonald, MS 1111, Texas A&M University, College Station, TX 77843-1111. Fax: (979) 845-2647 Email: mailcall@thebattalion.net

