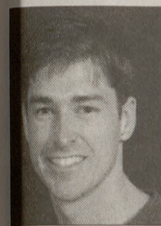
Trying times

Guantanamo detainees should get military trial due to 'enemy combatant' status



NICHOLAS DAVIS

Ah, Cuba. The land of coveted cigars, a dictator with astonishing longevity and 600 "enemy combatants" confined to a U.S. military base — combatants "held with impunity, held without charges" some say.

The disturbing nature in which the Bush administration has confined these prisoners without charging them has finally been taken up by the U.S. Supreme Court, where many hope the prisoners will be granted the right to a federal trial.

Though the desire to limit the president's unchecked power is understandable, extending federal rights to these non-citizens may inadvertently have severe consequences.

The detainees want the protection of the habeas corpus statute, which states that anyone held by the U.S. government has the right to challenge confinement.

Complicating matters, however, is the precedent set by the court after World War II in Johnson vs. Eisentrager, which found that non-citizens confined outside the United States have no access to federal courts. Thus, habeas corpus does not apply.

Guantanamo was officially acquired by the United States in a 1903 lease with Cuba. And years later, a series of treaties — most notably one in 1934 — specified that while America had supremacy at Guantanamo, "ultimate sovereignty" remained Cuba's and that termination of the lease required the signatories of both parties.

Opponents of the Bush administration, however, claim that because Cuba has no authority pertaining to the governing of Guantanamo, the United States truly holds sovereignty, and therefore the courts have federal jurisdiction.

Though the argument contains legitimacy, there is really no legal way for the court to intervene unless it capriciously disregards the lease, the treaties and the precedent of a former ruling.

Recently, some individuals, sympathetic to the plight of captured terrorists, have touted "prisoners of war have the right to a trial." Yes, they do. But another technicality remains. These people are not "prisoners of war;" they are "enemy combatants."

Under the Geneva Convention a "prisoner of war" is a member of a country's standing military. Now can anyone identify what standing military al-Qaida, Hamas or any of the other Islamic groups belong to? Answer: They have no affiliation. Hence the name, terrorist "organization."

Other opponents assert that denying detainees the same treatment Americans enjoy is inhumane or that it goes against constitutional rights. Such an argument is not only unfounded but dangerous.

Here's the harsh truth. These detainees are not U.S. citizens, so they have no rights, including the right to a trial. If the court extends rights to non-citizens, especially terrorists, a Pandora's box effect could manifest allocating a new weapon to terrorists: the exploitation of the courts.

How much will it cost taxpayers for these degenerates to obtain proper council, opportunities for appeals, preparation time, access to witnesses, etc.? Individual cases could go on for months, perhaps even a year. More importantly, what happens if terrorists get off on trivial technicalities? How many precedents will be established in their favor?

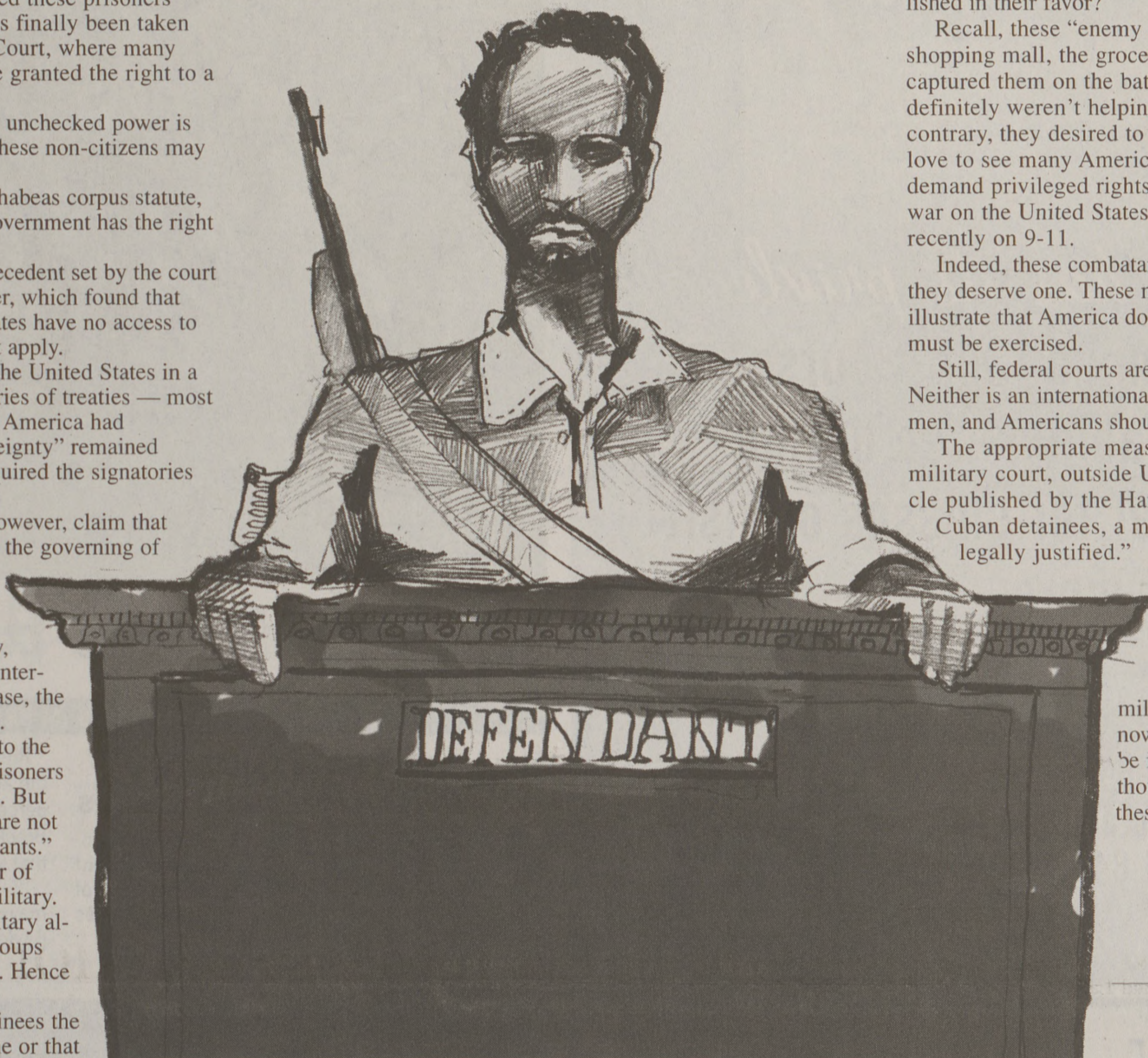
Recall, these "enemy combatants" were not picked up at a shopping mall, the grocery store or a PTA meeting. U.S. soldiers captured them on the battlegrounds of Afghanistan where they definitely weren't helping our troops fight the Taliban. To the contrary, they desired to kill American soldiers, and they would love to see many Americans suffer. And now these individuals demand privileged rights? Too bad! Remember, they declared war on the United States several times in the 1990s and most recently on 9-11.

Indeed, these combatants must receive a trial, but not because they deserve one. These men should be afforded a trial only to illustrate that America doesn't imprison people arbitrarily; justice must be exercised.

Still, federal courts are not the correct venue for the trial. Neither is an international court. Americans died capturing these men, and Americans should judge them.

The appropriate measure is to try the detainees in a U.S. military court, outside U.S. sovereignty. According to an article published by the Harvard Journal of Law regarding the Cuban detainees, a military trial is "morally, politically and legally justified."

The Bush administration claims it will hold such trials, but has yet to establish a time period. This is unacceptable. Pressure must be placed on the president to specify a time period for military trials to transpire. If it's a year from now, fantastic. If it's three to five years, so be it. Just set the date. There is no rush, though, for truly the world does not miss these men and their debauchery.



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Graphic by Paul Wilson

Eliminating food options ignores roots of obesity

Facing everything from criticism to lawsuits over the health content of its food, McDonald's has announced plans to phase out its "Super Size" option by Dec. 31, 2004, and other companies are said to be following suit. However, limiting menu options does little to address consumers' actual eating habits, laziness and bulging waistlines.

CLINT RAINEY

By now, most everyone has heard of them: those grossly overweight couch potatoes who sue McDonald's after a few too many years of loyal patronage, alleging that the fast-food chain is personally responsible for their obesity. Sadly, there are Americans, including many who are congenially fit and thin, who actually believe this conspiracy, completely denying the fact that the individuals themselves are responsible for what they ingest. A sizable chunk of the country has apparently been sold on the theory that fast-food chains were founded solely to worsen the plight of the fat. All of this, of course, is false.

These conspiracy theorists contend that poor heavier-set souls can't help it; they are futile to act against the unbeatable force of big business mind control. For the rest of us, their excuses look like a poor justification for laziness and immoderation.

It's a crazy thought, no doubt, but it seems infinitely more likely that Ronald and Co. are more guilty of intellectual thievery — ruthlessly swiping the common sense of their billions served, if this indeed were possible — than of forcing their customers to consume unhealthy food in overindulgent quantities. This idea of forcible consumption is the scapegoat for today's society that exercises zero self-control, is uninhibited and shifts blame like plate tectonics.

What has been the result of all this fuss? Obvious fast-food reform has come, which was probably well past due. Trends such as the Atkins Diet wraps and low-carb salads have been added to most menus. The pressure, however, has caused other actions, such as the McDonald's decision to phase out its "Super Size" option. To the responsible and healthy American who, like the best of us, gets a gnawing hunger now and then that only the phrase "Super Size it!" can quell, this is an injustice.

Ironically, as these anti-burger crusaders work to oust part of the American dream (the ideal of self-made success may feed the country's soul, but only the cultural mainstay of a Super-Sized Extra Value Meal can curb its appetite), what really matters — the circumference of the nation's gut — remains untouched. For example, a study by the American Medical Association says that while an average fast-food hamburger has increased in size by about 18 percent since 1977, the average home-cooked version has increased by more than 45 percent. So why is the emphasis on fast food and not on the eating habits of the individual? Because the latter turns the finger right back around at the one doing the pointing.

By ignoring the root of the problem, "Super Size" critics ensure the trend of overeating will continue. It's always easier to break the weed off above the surface and forget about the roots: Forget about that old obesity cure called restraint. Sure, if everyone engaged in some sort of physical activity and — God forbid! — said "No!" before caving in to the pressure of fast-food establishment "mind control tactics" that "cause" over-ordering and overeating, this "disease" that afflicts 30 percent of the country would all but disappear. But that's irrelevant.

The debate shouldn't even be over the nutritional inadequacies of "Super-Sizing" something; few will contest such obviousness, as even those consuming the fast food are aware they are not eating Healthy Choice. There is a bigger issue at hand, and it concerns the true diseases of American culture: laziness, irresponsibility and unaccountability.

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Americans have forgotten how to have self-control. It is a dinosaur in this modern-day culture built around convenience — an era that has announced moderation and restraint to be passé. For a country that often equates laziness with happiness, America hasn't had its legs cut out from under it; using them has just become an irritation — an outdated obsoletism.

This is not to absolve fast-food joints of all the blame — Austin-founded Schlotzsky's Deli offers a pastrami Reuben sandwich with an unseemly 1,800-plus calories and 78 grams of fat — but it is to release such places from the absurd contention that they are responsible for America's obesity problem. America is responsible for America's obesity problem. Decreasing the country's ever-increasing girth may not be helped by the heart-stopping, vein-clogging menu options at many fast-food restaurants, but unsolicited food rarely sneaks into the digestive system by itself.

As accustomed as Americans have become to transferring blame, and as easy a target as big fast-food corporations are, if this country is serious about getting slimmer, Americans will have to stop blaming and start claiming responsibility. It is going to require taking control of the situation, and the only way to do this is to take control of ourselves.

Clint Rainey is a freshman general studies major.

MAIL CALL

Election Commission violated its own rules

In response to an April 23 editorial:

The problems in this year's election did not result from "gray areas" in campaign finance. They resulted when the Election Commission violated its own rules by allowing certain candidates great leeway in their financial reports. For example, the Election Commission has a rule which states: "Candidates must list the entire cost ..." However, they allowed Mr. Hildebrand to prorate, or only list part of the cost, of certain items. This is a clear violation of this rule as the phrasing leaves no room for gray area, and in my opinion, can be interpreted no other way.

Contrary to your editorial, the Judicial Court has agreed that the Election Commission did violate its rules. However they do not feel that there was enough evidence that the Election Commission created an unfair playing field by allowing violations of these rules in favor of certain candidates. This put candidates that followed the letter of these rules and didn't question the meaning of words such as "entire" at a disadvantage.

Again, let me state that this court case was never about attacking Mr. Hildebrand. It was about trying to clear up the numerous violations of the rules by the Election Commission. The only reason that Mr. Hildebrand's name was even mentioned was because his finance report was the only other SBP candidate's that was audited with the exception of Mr. McAdams.

Therefore I feel that the Election Commission does not function appropriately and that drastic actions must be taken to preserve the integrity of the election process here at A&M. The student body should call for an independent investigation of this past election in order to prevent these problems from occurring in the future.

Patrick Boyd
Class of 2004

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