

Camps for Citizens: Ashcroft's Hellish Vision

Attorney general shows himself as a menace to liberty

by Jonathan Turley

Los Angeles Times, 14 August 2002

Atty. Gen. John Ashcroft's announced desire for camps for U.S. citizens he deems to be "enemy combatants" has moved him from merely being a political embarrassment to being a constitutional menace.

Ashcroft's plan, disclosed last week but little publicized, would allow him to order the indefinite incarceration of U.S. citizens and summarily strip them of their constitutional rights and access to the courts by declaring them enemy combatants.

The proposed camp plan should trigger immediate congressional hearings and reconsideration of Ashcroft's fitness for this important office. Whereas Al Qaeda is a threat to the lives of our citizens, Ashcroft has become a clear and present threat to our liberties.

The camp plan was forged at an optimistic time for Ashcroft's small inner circle, which has been carefully watching two test cases to see whether this vision could become a reality. The cases of Jose Padilla and Yaser Esam Hamdi will determine whether U.S. citizens can be held without charges and subject to the arbitrary and unchecked authority of the government.

Hamdi has been held without charge even though the facts of his case are virtually identical to those in the case of John Walker Lindh. Both Hamdi and Lindh were captured in Afghanistan as foot soldiers in Taliban units. Yet Lindh was given a lawyer and a trial, while Hamdi rots in a floating Navy brig in Norfolk, Va.

This week, the government refused to comply with a federal judge who ordered that he be given the underlying evidence justifying Hamdi's treatment. The Justice Department has insisted that the judge must simply accept its declaration and cannot interfere with the president's absolute authority in "a time of war."

In Padilla's case, Ashcroft initially claimed that the arrest stopped a plan to detonate a radioactive bomb in New York or Washington, D.C. The administration later issued an embarrassing correction that there was no evidence Padilla was on such a mission. What is clear is that Padilla is an American citizen and was arrested in the United States--two facts that should trigger the full application of constitutional rights.

Ashcroft hopes to use his self-made "enemy combatant" stamp for any citizen whom he deems to be part of a wider terrorist conspiracy.

Perhaps because of his discredited claims of preventing radiological terrorism, aides have indicated that a "high-level committee" will recommend which citizens are to be stripped of their constitutional rights and sent to Ashcroft's new camps.

Few would have imagined any attorney general seeking to reestablish such camps for citizens. Of course, Ashcroft is not considering camps on the order of the internment camps used to incarcerate Japanese American citizens in World War II. But he can be credited only with thinking smaller; we have learned from painful experience that unchecked authority, once tasted, easily becomes insatiable.

We are only now getting a full vision of Ashcroft's America. Some of his predecessors dreamed of creating a great society or a nation unfettered by racism. Ashcroft seems to dream of a country secured from itself, neatly contained and controlled by his judgment of loyalty.

For more than 200 years, security and liberty have been viewed as coexistent values. Ashcroft and his aides appear to view this relationship as lineal, where security must precede liberty.

Since the nation will never be entirely safe from terrorism, liberty has become a mere rhetorical justification for increased security.

Ashcroft is a catalyst for constitutional devolution, encouraging citizens to accept autocratic rule as their only way of avoiding massive terrorist attacks.

His greatest problem has been preserving a level of panic and fear that would induce a free people to surrender the rights so dearly won by their ancestors.

In "A Man for All Seasons," Sir Thomas More was confronted by a young lawyer, Will Roper, who sought his daughter's hand. Roper proclaimed that he would cut down every law in England to get after the devil.

More's response seems almost tailored for Ashcroft: "And when the last law was down and the devil turned round on you, where would you hide, Roper, the laws all being flat? ... This country's planted thick with laws from coast to coast ... and if you cut them down--and you are just the man to do it--do you really think you could stand upright in the winds that would blow then?"

Every generation has had Ropers and Ashcrofts who view our laws and traditions as mere obstructions rather than protections in times of peril. But before we allow Ashcroft to denude our own constitutional landscape, we must take a stand and have the courage to say, "Enough."

Every generation has its test of principle in which people of good faith can no longer remain silent in the face of authoritarian ambition. If we cannot join together to fight the abomination of American camps, we have already lost what we are defending.

© 2002 *Los Angeles Times*
Reprinted for Fair Use Only.