

The careful language of Alberto R. Gonzales

The careful language of Alberto R. Gonzales in “The Rule of Law and the Rules of War,” OP-ED May 15, 2004, fails to obscure the basic intent of the Guantánamo policy which is that the President, acting alone, may mandate any type and degree of torture and possibly murder that he deems appropriate. Unfortunately, Mr. Gonzales’ statement of the Bush policy with its legalisms and euphemisms is similar to statements produced by officials in Nazi Germany justifying a “final solution.” Of course there is no parallel between our actions and those of Germany in the late 1930’s and early 1940’s, but why do we need policies which could allow or justify such excesses?

Two phrases jump out of Mr. Gonzales’ writing. The first is “to treat Al Qaeda and Taliban detainees at Guantánamo Bay humanely and, to the extent appropriate and consistent with military necessity, in keeping with the principles of the Third Geneva Convention.” I note the term “detainees,” a fine legalism which confines our prisoners or captives to a linguistic limbo where they have no rights at all. We are really saying that we will observe the principles of the Geneva Convention if and when it suits us. Otherwise, we can do whatever we want to these individuals.

The second phrase is that one has to “earn(s) prisoner-of-war status.” If the prisoners have violated the laws of war by not wearing a uniform or by coming from a state which does not comply with the conventions then we are not bound by such laws either so as not to “provide a perverse incentive to terrorists.” It is an interesting concept that if an individual captive has not “earned” prisoner-of-war status, then there are no limits to the degree of suffering and death which can be imposed by the President.

While thinking about these issues, I remembered Cyril Connolly writing in The Unquiet Grave: “Civilization is maintained by a very few people in a small number of places and we need only some bombs and a few prisons to blot it out altogether.”

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