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**CHARLES LEVENDOSKY: SYNDICATED COLUMNIST**

## **Ashcroft should outrage citizens**

### **COMMENTARY**

THE BUSH administration plans to use the naval brig in Goose Creek, S.C., as a facility to imprison U.S. citizens who are deemed to be enemy combatants. Call the brig what is: a resurrection of the infamous Japanese-American internment camps.

On Aug. 8, The Wall Street Journal ran a news story written by Jess Bravin in which an official of the administration referred to the camp in the euphemistic way.

The American people should be outraged. Unfortunately, the story was overlooked by most of the media.

Jonathan Turley, professor of constitutional law at George Washington University, did read the story and understands its troubling implications.

Turley, who had publicly supported John Ashcroft during his confirmation battle, says that U.S. Attorney General John Ashcroft's position on camps for U.S. citizens "has moved him (Ashcroft) from merely being a political embarrassment to being a constitutional menace."

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

The Ashcroft internment camp already holds suspected terrorist Jose Padilla, an American citizen whom President Bush personally classified as an enemy combatant. Padilla was arrested because he was supposed to be planning to detonate a radioactive bomb in an urban area. Months after Padilla's arrest, Deputy Defense Secretary Paul Wolfowitz finally acknowledged that Padilla is being held on flimsy evidence and suspicion. Nevertheless, he remains imprisoned -- without any chance to defend himself legally.

According to the Bush administration, those classified as enemy combatants can be held indefinitely, without being formally charged, without access to attorneys, without the right to remain silent and without the possibility of bail. Put simply, those the administration deems to be enemy combatants -- on whatever meager, unsupportable evidence -- are stripped of all of their constitutional rights, for as long as the administration considers necessary.

Yaser Esam Hamdi is another U.S. citizen who has been classified as an enemy combatant. Hamdi was born in Louisiana and raised in Saudi Arabia. He was captured during hostilities in Afghanistan and taken to the

Guantanamo Bay Naval Station in Cuba. When it was learned that Hamdi is an American citizen, he was transferred to the Naval Station Brig in Norfolk, Va.

The public defender assigned to Hamdi by U.S. District Court Judge Robert Doumar has not been allowed to meet or speak to Hamdi.

On Aug. 16, the federal judge rejected the government's insistence that it need not offer more evidence about Hamdi's involvement with al-Qaida. Judge Doumar wrote in his response to the government's position: "This case appears to be the first in American jurisprudence where an American citizen has been held incommunicado and subjected to an indefinite detention in the continental United States without charges, without any finding by a military tribunal, and without access to a lawyer."

In our interview, Turley drew the lines as starkly as the federal judge: "In some ways these camps are the natural and troubling conclusion of the position the administration has taken with the Padilla and Hamdi cases. Ashcroft has already stated in both those cases that the government has the authority to declare a citizen an enemy combatant and strip him of his constitutional rights. In Hamdi, the government has even refused to comply with court orders. Once the government simply declares someone is an enemy combatant, it says that U.S. courts have no jurisdiction."

According to Turley, the basic arguments presented by the administration in the Padilla and Hamdi cases "reflect the same type of extreme theories

that led to the Japanese interment camps."

Turley thinks that even considering internment camps "is a self-disqualifying act for the U.S. Attorney General. "Ashcroft," he said, "has become a walking contradiction -- more general than attorney."

To the question of whether we are approaching a constitutional crisis, Turley responded: "Not a crisis in the sense that the Constitution can't handle it, but I think that the administration has virtually declared war on the doctrine of separation of powers. ... This administration has displayed remarkable antagonism towards the concept of shared powers."

Yet the American public remains silent. What will it take to awaken the lion that something is terribly amiss in its den? Will filling up internment camps with fellow citizens who have been stripped of their rights finally stir his sleep?

"No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress," according to Title 18, Section 4001 (a) of the U.S. Code. Congress passed this legislation in 1971 to repeal the Emergency Detention Act of 1950.

Congress has not repealed this section of the U.S. Code. Where then, does Attorney General Ashcroft get his authority to detain American citizens without formal charges? From the deafening silence of the American people. Tyranny grows where vigilance slumbers.

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*Levendosky, editorial page editor of the Casper (Wyo.) Star-Tribune.*

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