

Week of 9.4.09

After Guantanamo

Is Obama tossing out the Constitution with his new anti-terror plan?



Closing Guantanamo Bay's prison will do little to close the debate on what we should do with alleged terrorists.

This week NOW, as part of a collaboration with the nonprofit investigative unit [ProPublica](#), explores the controversial tactic of "preventative detention," a government plan that may detain suspects indefinitely without trial or even formal charges. Implementing such a plan may have far-reaching consequences on not just our fight against terrorism, but the integrity of the U.S. Constitution and the cause of human rights.

Even with President Obama in office and Guantanamo's days numbered, we're still asking: What price will we pay for peace on the ground and peace of mind?

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The Weekly Q

Should Guantanamo detainees be transferred to prisons in the U.S. once the prison closes?

- Yes
- No
- Not sure

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In the News

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Fox News: [Swayed by Health Care Forums, Michigan Man to Hold 'Town Hall' on Gitmo Plan](#)

National Public Radio: [A Visit To Guantanamo As It Faces Uncertain Future](#)

The NewsHour: [President Orders Guantanamo Prison Closed](#)

The New York Times: [Op-Ed: The Terrorists' Court by Jack Goldsmith and Neil Katyal](#)

ProPublica: [An Examination of 33 Gitmo Detainee Lawsuits](#)

The Washington Post: [Administration Makes Progress on Resettling Detainees](#)

The Washington Post: [President Obama's May 2009 speech on "Protecting Our Security and Our Values"](#)

Web Feature



Duty vs. Conscience at Guantanamo

A prosecutor set on convicting an alleged 9/11 conspirator makes a surprising decision.



Viewer Comments

Commenter: noname

as far as I can see, it is another way to call it , concentration camp , but this time , it's for all the people , as long as you against the U.S. policy , you and I can be lock up and the key will be throw away . for the last 100 years , U.S. was tthe fore front of human right , now , it trying to push it back to stone age , not to mention the england .

On the other hand , U.S. does not run the world , at least they are trying to do so , for the last 50 years , now , they are doing it with force , " you either with us or against us" ,SAD

Commenter: Eleanor Boyd

If you are suspected of a crime, you should have a right to know what the suspicion is based upon, you should and your lawyer should be able to see the evidence that is being held against you. If this right is forfeited absolutely anyone, be they a foreigner or a US citizen, could be held without charge for the rest of their days. If someone is charged and taken to court they have the opportunity to refute the charges and the prosecution is duty-bound to produce evidence they feel is sufficient to convict. If the prosecution cannot bring the case to court for fear of a jury finding for a defendant, what kind of country are you living in? If the prosecution can bring only evidence that has been gained due to torture, that evidence is worthless. To hold people without trial due to such evidence goes against everything that a democracy should stand for.

Commenter: Tom Bartenstein

This show posed the question, if a detainee refutes the specific (previously secret) charges against him, how can the detainee still be held, even if there is evidence that the detainee could be dangerous in the future? I reject the premise of the question, and find the question itself makes unconstitutional assumptions that violates basic US principles. Our legal system is based on the concept that we cannot punish for a crime that has yet to be committed. Our constitution guarantees the right to a trial by our peers. You did at least mention that we should be presumed innocent until proven guilty.

Hopefully, there are enough US citizens that understand the importance of civil rights to prevent the concept of "preventive detention" from gaining more supposed legitimacy than it already has.

Commenter: C.D.

Everything I was told as a child as being the reason why the USA was great--freedom, democracy, justice--seems to be about to be tossed out the window due to fear and ignorance. It make me incredibly sad and fearful for our future.

Commenter: Patriot

Goldsmith, Jack Landman III - professor at Harvard Law School is a member of the CFR (counsel on foreign relations). The CFR is hell-bent on removing sovereignty in the US and creating the North American Union. It's no surprise that this professor is backing the idea of preventative detention. He's working for the very people that have been trying to remove our Constitution and bill of rights for over 60 years.

Commenter: Steve

The overwhelming concern for humane treatment of suspected terrorists by the producers of this program exposes their naive belief that if we treat our enemies more humanely, the world will then love the U.S. The fact is that those who have sympathy for the Taliban and their many supporters have forfeited their right to humane treatment, and American and the UK must do what is necessary to protect their citizens.

Commenter: Stephanie R Cooper

I knew this subject was being discussed, after all we just flushed out Cheney and Bush, but I had no idea we were looking at January as the anticipated arrival of a task forces recommendations. And this on the heels of an already intense debate regarding health 'insurance' reform. Ever diligent, I appreciate your bringing this to my attention. I am talking to everyone I know, encouraging letter writing and phone calls to our leaders. Mostly, I am encouraging to listen, pay attention and think.

Thank you, again.

Commenter: Xiomara Delgado

Hi, last night was the first time that i hear and watched your program it was a causality but inmediately I like what I was watching.
was I see the "preventive detention" program I like a lot your program is a great show and I learn so much.

Commenter: Lawrence H. Robertson

As someone who has had their e-mail rerouted, intercepted and monitored for going on 5 years now I can relate to the fellow in england detained with no explanation of charges. Or in other words the removal of the elusion that anyone in this world has any civil rights left. All because of those in power with unresolved death issus that are parinoid that some terrorist is going to come and kill them, so thier going to protect everyone from death. As if you can't walk out your door and be killed in any number of ways or even stay in your home and die in any number of ways. Perpetuating parinoia about death is a losing battle except for those that live in a state of denial about reality.