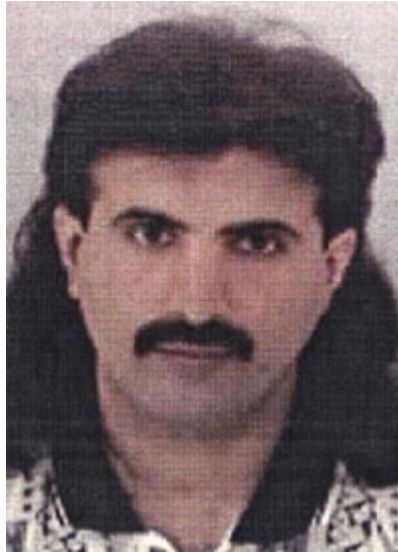




Written by [Gary Benoit](#) on December 9, 2008

## Imprisoned for Seven Years Without Being Charged

This incarceration would arguably be a far worse crime than the Iranian hostages of 1979-80, since none of those hostages were held for nearly as long as seven years. Moreover, none were in solitary confinement, let alone for seven years straight. More than 30 days of solitary confinement is justly considered "cruel and unusual punishment" and a violation of the Geneva Convention on Prisoners of War. None of the Iranian hostages were ever subjected to the degrading treatment this young man has had to endure. He has been robbed of the prime years of his life without ever getting a chance to defend himself.



What should Americans do about such an atrocity against their country? Most American neo-conservatives such as George W. Bush and most hawkish Republicans could be expected to be calling for something just short of nuclear war against that country.

That's what you would expect. But the kidnapping and incarceration described above has not happened to a U.S. citizen; it has happened instead to a citizen of Qatar. And it's not a Middle Eastern dictatorship that has held him in inhumane conditions for more than seven years; it's our own U.S. government. Ali al-Marri is a legal U.S. resident, who has been held in solitary confinement in a South Carolina military prison brig since December 2001 ... without trial, without even being charged with a crime in any court — military or civilian.

[The neo-cons and the Bush administration are outraged](#) — now that [the Supreme Court has decided](#) to consider granting Ali al-Marri a day in court.

Forget about [Christ's instructions in the Gospel of Matthew](#) to "Do to others whatever you would have them do to you."

Forget also the [clear and unequivocal language of the Fifth Amendment](#) that no person shall be "deprived of life, liberty, or property, without due process of law" and the [Sixth Amendment's requirement](#) that "the accused shall enjoy the right to a speedy and public trial."

The [Fifth Amendment](#) clearly lays out the requirement that criminal trials under civilian courts is the system of justice that must be applied — "except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger," in which case military justice would be applied. But the Bush administration, though it touts Ali al-Marri as a product of the "war on terror," refuses to administer ordinary military justice to al-Marri as fastidiously as it refuses to give al-Marri a day in civilian court.

The Bush administration and its neo-con acolytes don't follow [the requirements](#) of the Bill of Rights. As [Andrew McCarthy disgracefully wrote](#) in the neo-con *National Review* last year, neo-cons believe foreigners have no rights: "Only 'U.S. persons,' a designation reserved for American citizens and lawful



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permanent resident aliens, are fully vested."

Foreigners are sub-human, according to this perverse neo-con theology. But, of course, that's not what the Fifth and Sixth Amendments require. They don't say "U.S. persons," rather, they employ the unqualified language of every "person." The Bill of Rights allows for no exceptions because all are persons, whether native Americans, slaves (who were called still called "persons," though designated as "other persons" in the original Constitution's census clause), or aliens.

Thus, this guest of the American people has been denied the justice required by the Constitution and common decency for more than seven years. Neo-cons like *National Review's* Andrew McCarthy have a blunt retort to Christ's instructions to treat others as you would be treated: "That's suicide." And they regard constitutional limitations with the same contempt.

Of course, *National Review* is the magazine that brought the conservative movement George W. Bush as president. They were the first magazine to trumpet the then-obscure Governor Bush as a great savior of the conservative movement. And they [continue to fete Bush as a "conservative" leader](#). So American constitutionalists are used to getting bad advice from *National Review*.

[Reuters wire service reported](#) on December 5 that the al-Marri case will appear on the Supreme Court's summer docket, seven years too late. But maybe justice will prevail.

— AP Images



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