



By **KEN BELDON**

YEARS AGO, I read "The Ones Who Walk Away from Omelas" by Ursula K. Le Guin about a utopian society where everyone is happy, educated and satisfied.

Everyone, that is, except for one. What Omelasians know is that their well-being comes about only through the infliction of deprivation and pain on an innocent child kept in a lonely cell. The bargain: One must suffer so the rest can be at peace. But for some citizens, the price is too steep. Their conscience won't accept it.

I've thought about Omelas recently, the meaning of justice and the call of conscience. There are hundreds of detainees at Guantanamo designated as enemy combatants by our government. Because of the Military Commissions Act, they have no meaningful legal remedy to try to prove their innocence. The law bars courts from

hearing habeas corpus cases brought by detainees, denying courts their historical role.

The situation violates both the letter and the spirit of our traditions of justice, fairness and decency. Legally, Guantanamo is a black hole in the war on terror. Morally, it's a black eye for America. There will soon be legislation introduced in Congress to restore habeas rights for detainees. We should urge our representatives to pass it and return to good working order our country's commitment to justice.

The founders of our nation considered habeas the most fundamental right under the law, a critical protection against arbitrary detention. Habeas hearings are not trials where the government must prove guilt beyond a rea-

sonable doubt, but expedited proceedings where the government must show only that it has a reasonable basis for confinement.

Habeas cases won't clog the courts or coddle terrorists. They simply give wrongly imprisoned people a chance to prove their innocence. Restoring habeas will also provide us the satisfaction of knowing that the people we will continue to hold are truly our enemies.

I'm not suggesting there aren't dangerous people at Guantanamo. But there is reason to believe that many face indefinite detention even though they're innocent. We know that Afghanistan's Northern Alliance and Pakistani warlords turned some of the prisoners in for substantial bounties. Almost none of the

prisoners were captured on the battlefield or directly by U.S. forces. Without habeas, people may be held as enemy combatants on the basis of hearsay or allegedly coerced testimony.

THE LIMBO of Guantanamo doesn't present us with as stark a choice as those who walk away from Omelas. They knew they were sacrificing pleasure for the sake of what was right. Keeping innocent people detained doesn't guarantee our safety, it lessens our security.

The war on terror is more than just a military fight. It is about the fact that we believe democracy is better than tyranny and that all people are created equal. When our actions deny our noble aspirations, we lose

our greatest advantage. Our moral basis against terrorism should be why and how we oppose it.

Unlike in the short story, our nation isn't a utopia. But we do have great traditions of fairness and an immense capacity to recognize that injustice done in our name is unacceptable.

Fortunately, we aren't trapped in a sci-fi scenario where the only choice is to allow an injustice or walk away. As Americans, we have the right and the duty to address a grave wrong and correct it. When people are held without hope of demonstrating their innocence, we have broken faith with who we want to be.

If there is even a chance that innocent people are suffering because our government has not acted justly, then our conscience says we cannot look away. ★

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The rule of law at Guantanamo