

Monday, June 16, 2008

## USSC Gitmo Ruling - A DISASTER

Time to comment on this, because there are apparently a whole host of people who have their heads firmly planted in their asses in applauding this ruling from the United States Supreme Court.

The premise is that "we should apply Habeas Corpus to everyone we capture, everywhere, irrespective of the circumstances." That's the bottom line of the ruling.

Now here's why its stupid.

The United States Constitution only applies to United States Citizens *while in the United States*.

I am free to drink here in the US. If I go to Saudi Arabia, I am not free to drink. In fact, I can be jailed for drinking.

Their land, their laws. Follow them or go to jail.

Now - on the subject matter.

It is a long-standing principle of International Law and The Rules of War that if you are shooting at troops "out of uniform" you are not entitled to Geneva Convention protections. In fact, you are subject to being shot on sight.

The reason for this is really quite simple - when you do that sort of thing *you are taking human shields in the form of the civilian population where you are*.

This is seen as a seriously undesirable thing *because it causes innocent civilians to die*, and to deter it, **The Geneva Conventions explicitly exempt people performing acts like this from its protections.**

We caught these people outside of the United States. They are being fed and clothed. They are not being given the right to Habeas Corpus, nor should they - they are not US Citizens and were not apprehended in the United States. They further were engaged in hostile acts against our troops *but were not wearing a uniform of an opposing force, and were explicitly seeking to blend in with the civilian population - effectively taking them as human shields.*

Under longstanding International Law they were subject to being *summarily shot*. I would say we are treating them considerably better than *what International Law says is both appropriate and lawful conduct on our part*.

You want these people to be treated in accordance with US law? Ok, then tell me why we should not be subject to Sharia Law from a Muslim country while we are in the United States.

Oh, the shoe sucks when its on the other foot, does it?

Well gee, funny how that works. The "peacenik" folks would have a CAT if the women among them were forced to wear burkas under penalty of being caned!

So just what sort of hypocrites do we have in the USSC? Further, its obvious that these dishonorable men in

robes can't read the damn Constitution or, more likely, they just don't give a good damn what it says - they wanted to come to a given result, so they did - and whether that was supportable by the black letter on the printed page didn't matter a bit to them.

This ruling places our nation and our people, here and abroad, in more jeopardy than they were before.Â

It also opens up other nations to being able to claim that OUR citizens, inside OUR border, should be subject to **their** laws.

Those of you who think this was a "victory for America" are smoking crack and need to put down the pipe.

And George Bush needs to grow a set of balls and tell the USSC that they have their ruling - now let's see them enforce it.

Posted by Karl Denninger at 02:47

BS! cute wording, but BS just twisting words around and a bunch of "humor" does not make it so (or make sense) nobody is against shooting at ppl who attack you in (or out of ) uniform... and sure - don't take them POW - shoot them on site even if they surrender - but p l e a s e do not equate that to raiding houses, picking up ppl on dubious tips and carting them off to a different country to be ... oh no not tortured, not even abused, .... but just say incarcerated with no contact and no charge (there is no such thing as "charges" when no defense is possible) so ... BS Anonymous on Jul 13 2008, 02:12

There is nothing like the blind trying to tell someone what an Elephant looks like. The folks who are incarcerated in GITMO are not girl (or boy) scouts. Further, they are not US Citizens and were not captured here inside the United States - the Constitution simply does not apply to them, as they are not eligible for its protections, and neither do the Geneva Conventions, since they were not armed enemy combatants wearing a uniform. It would be nice if you became educated before pontificating on that which you wish to speak. And no, listening to George Soros and Michael Moore does not count. Anonymous on Jul 13 2008, 10:39

I applaud this blog for pointing the obvious lunacy of the left and the decided lack of convection from Bush. To put a more academic framework around some of your statements, the international law that you are in fact referring to â€œ law that defines who is covered under the Geneva Convention is the â€œGeneva Convention relative to the Treatment of Prisoners of Warâ€• (1), specifically Article 4, Item 2, subset A-D. Article 4 A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy: 1. Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces. 2. Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions: (a) That of being commanded by a person responsible for his subordinates; (b) That of having a fixed distinctive sign recognizable at a distance; (c) That of carrying arms openly; (d) That of conducting their operations in accordance with the laws and customs of war. 1. <http://www.unhchr.ch/html/menu3/b/91.htm> Anonymous on Dec 17 2008, 10:00