

# Washington Post

INDEPENDENT NEWSPAPER

EDITORIALS

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*the need for clear rules on challenging detentions.*

the notorious al-Qaeda camp, which he pursued to "satisfy his 'curiosity' and because he found himself with idle time." These implausible and the amount of intelligence Adahi should have been enough to and bars.

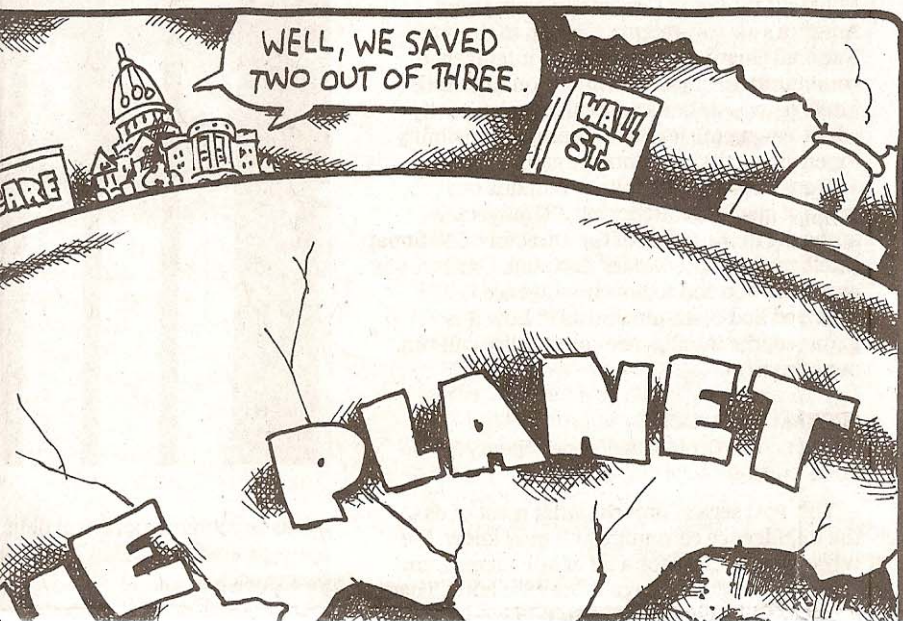
ot how Judge Gladys Kessler of the court for the District of Columbia August, Judge Kessler issued a deeply in ordering Mr. Adahi's release. The d each of Mr. Adahi's acts in isolation as pieces of a legal "mosaic." Usach, Judge Kessler concluded that admission that he trained at Al- sufficient to carry the Government's owing that he was a part, or subor, of enemy forces." While judi- Guantanamo detentions is impering justice, this case illustrates the ving trial judges to assess intelli- tion through the lens of conven- evidence.

risome is a decision handed down

this month that went too far in repudiating Judge Kessler's approach. A unanimous panel of the U.S. Court of Appeals for the D.C. Circuit flirted with — but stopped short of — allowing the government to meet an even lower standard of proof than the already relaxed standard now commonly required. The judges built on a previous decision of the court to conclude that a stay at a guesthouse or training camp — no matter the length of stay or context — offered "overwhelming" evidence of membership in al-Qaeda.

The two rulings prove once again the need for clear rules to govern the federal court process for challenging detentions. The Supreme Court, which ruled two years ago that detainees have the right to have their cases heard by federal judges, did not set standards, and Congress and the White House have been shamefully inactive in filling in the gaps. The end result is a kind of Guantanamo roulette, where the predilections of judges shape the rules and determine the outcomes. This serves no one well — not the detainees, not the government and least of all the rule of law.

TOM TOLES



## LETTERS TO THE EDITOR

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### *Sarah Palin's life and bard times*

I come not to bury Sarah Palin but to praise her ["To refudiate or not to refudiate . . ." Politics Digest, July 20]. She's absolutely right about Shakespeare's linguistic creativity, and I suspect that the playwright would have delighted in "refudiate." That's not because it enriches our language with a new word that communicates something that can be conveyed in no other way, but because it's the sort of naive malapropism he puts into the mouths of some of his characters, among them such inspired and irrepressible bumpkins as Bottom the Weaver in "A Midsummer Night's Dream" and Dogberry the Master Constable in "Much Ado About Nothing."

To borrow a line from the title character in "King Lear," then, I say "let copulation thrive." Fusing "refute" with "repudiate" may result in bastard currency, but as a means to certify a failed governor for the kind of position that would make her appear less "o'er-parted" (to quote Costard from "Love's Labor's Lost"), it's what Shakespeare's most endearing Keystone Kop would call "the eftest way."

JOHN F. ANDREWS, *Santa Fe, N.M.*

The writer is president of the Shakespeare Guild.

### *The logic of spousal rights*

In characterizing spousal health-care, Social Security and pension benefits as subsidies of the married paid by the unmarried to compensate them for procreation, James Metcalf [letters, July 19] erred on the law and the facts. On the law, he must know that none of these benefits is restricted to married couples who have procreated, and are equally available to childless couples.

As for the facts, many same-sex couples are parents and incur the costs of parenthood. The result is that families headed by same-sex couples do not have the same protections as those headed by opposite-sex couples. In this country, we have something known as "equal protection of the laws," and that's a problem.

CHRIS MOREHOUSE, *Shepherdstown, W.Va.*

James Metcalf hit the nail on the head in pointing out that spousal rights in America "compensate those who bear the cost and risk of procreation." That's why no sterilized person, nor any woman over 40, may obtain a marriage license. It's why spouses who persist in childlessness lose their many spousal benefits. And it's why divorce results in the transferral of spousal benefits to the custodial parent.

If none of this seems familiar to you, you must not be living on the same planet as Mr. Metcalf.

CHARLES CERF, *Washington*

### *A reasonable pause in the gulf*

In his July 17 op-ed, "Adding insult to injury in La.," Gov. Bobby Jindal (R) defaulted to a facile analogy that fails logically. When a commercial airliner crashes, a tragic loss of life is likely, but the event does not threaten an ecosystem of global importance. Eleven workers died when the Deepwater Horizon drill rig exploded on April 20, and the Gulf of Mexico has suf-