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ACLU Urges Investigation of Detainee Abuse

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The American Civil Liberties Union asked new Attorney General Alberto R. Gonzales yesterday to appoint a special counsel to investigate the mistreatment of detainees in the war on terrorism, citing what it claimed was Gonzales's "unavoidable conflict of interest in fully investigating and prosecuting wrongdoing by civilians in this matter."

ACLU Executive Director Anthony D. Romero said in a letter to Gonzales that memos written or requested by him during his tenure as White House counsel show that "top government officials considered and eventually ordered the removal of protections against" abuse.

Romero cited a leaked August 2002 memo, circulated to Gonzales and considered official policy until it was disavowed in December 2004, which Romero said under certain circumstances allowed interrogators to provoke pain or suffering that fell just short of being "severe." Given such a policy, "it is highly unlikely that privates and sergeants were the only ones who committed crimes," he said in a reference to prosecutions of military personnel in the Abu Ghraib prison scandal.

In September, a group of retired generals and admirals urged the creation of an independent commission to look into abuse of detainees in Iraq, Afghanistan and the U.S. military prison at Guantanamo Bay, Cuba. Fourteen Democratic senators -- led by Patrick J. Leahy (Vt.), senior Democrat on the Judiciary Committee, and Joseph R. Biden Jr. (Del.), senior Democrat on the Foreign Relations Committee -- have endorsed a bipartisan commission modeled after the group that examined the Sept. 11, 2001, terrorist attacks.

But so far the idea has not developed traction among Republican lawmakers, whose backing is needed for such a proposal to succeed.

Kevin Madden, a spokesman for Gonzales, said he had not received the letter. But he said Gonzales will "pursue any allegations of torture or illegal conduct" and had pledged during his confirmation hearing to administer the law fairly and ethically.

Madden declined to address directly the proposal for an independent commission or special counsel, but said that Gonzales does not intend to recuse himself from the matter, and that this "speaks for itself."