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Abu Ghraib, Unresolved

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Opinion

When the Abu Ghraib prison scandal first broke, the Bush administration struck a pose of righteous indignation. It assured the world that the problem was limited to one block of one prison, that the United States would never condone the atrocities we saw in those terrible photos, that it would punish those responsible for any abuse - regardless of their rank - and that it was committed to defending the Geneva Conventions and the rights of prisoners.

None of this appears to be true. The Army has prosecuted a few low-ranking soldiers and rebuked a Reserve officer or two, but exonerated the top generals. No political leader is being held accountable for the policies set in Washington that led to the abuses at Abu Ghraib and at other prison camps operated by the Pentagon and the Central Intelligence Agency in Iraq and Afghanistan, and at Guantánamo Bay, Cuba, where prisoner abuse was systemic. And we've learned that the administration's respect for the Geneva Conventions, which some senior officials openly disdain as an antiquated nuisance, is highly conditional.

The Times's Tim Golden documented this week the way the Bush administration secretly created a parallel - and unconstitutional - judicial universe for Gitmo. The White House was so determined to suspend the normal rights and processes for the hundreds of men captured in Afghanistan - none of them important members of Al Qaeda and most of them no threat at all - that it hid the details from Secretary of State Colin Powell and never bothered to consult Congress.

The Washington Post and The Times also reported this week that over 18 months, the C.I.A., which has a record of hiding prisoners in Iraq from the Red Cross, secretly spirited a dozen non-Iraqi civilians out of prisons in Iraq to undisclosed locations - another evident violation of the Geneva Conventions. To justify that operation after the fact, the same legal offices that produced the infamous paper on how to pretend that torture is legal drew up a new opinion claiming that the president has the right to decide which prisoners are covered by the Geneva Conventions and which are not.

This happened in secret, at the same time that administration officials were testifying at the Senate's Abu Ghraib hearings about the president's allegiance to the Geneva Conventions and to American constitutional values when it came to the treatment of prisoners.

The gap between the administration's public statements and private actions is enormous. In May, Defense Secretary Donald Rumsfeld said civilians captured in Iraq would be treated according to the conventions. And Stephen Cambone, Mr. Rumsfeld's under secretary for intelligence, gave at best a misleading answer when he testified under oath that it was his "guess" that President Bush would take the issue under advisement should it ever come up. Not only had it come up, but the decision had already been made to deny the protections of the Geneva Conventions to certain prisoners.

This issue has barely been discussed by Mr. Bush or Senator John Kerry, but the country needs answers and public accountability. If Senator Kerry wins next week, we hope that he will make this an early priority. If Mr. Bush wins, it will be up to Congress to meet its oversight responsibility. So far, its record is not good. The House has done nothing on Abu Ghraib and related issues. Senator John Warner, chairman of the Senate Armed Services Committee, tried to investigate Abu Ghraib despite White House stonewalling. Mr. Warner lost his nerve as the election approached, but we hope he'll get it back next year.

