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Escaping blame for Abu Ghraib

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SOLDIERS face jail. Commanders get 15-gun salutes. Soldiers are pilloried. White House officials are promoted. The cost of hypocrisy in the billowing prison abuse scandal has not mattered much up to now. Tomorrow we might care a lot more. The next victim of the hypocrisy could be you or me.

This week there was a hearing for Lynndie England, the soldier who became the face of Abu Ghraib for two photos, one in which she held a naked Iraqi prisoner by a leash and a second in which she smiled while pointing at the genitals of another detainee.

Her lawyers want the photos thrown out as evidence, saying she was pressured to pose for them by superior officers. Lawyers for the Army, of course, deny this. If England is convicted, she could get up to 38 years in prison. Another hearing was scheduled this week for three soldiers accused of smothering an Iraqi general to death in an interrogation. They may get life behind bars.

Superiors dream of adding stars to their bars. Lieutenant General Ricardo Sanchez, the commander in Iraq during the abuse at the Abu Ghraib prison, returned to his base in Germany in October to a 15-gun salute. Deputy Defense Secretary Paul Wolfowitz praised Sanchez on behalf of President Bush and Defense Secretary Donald Rumsfeld for his "courage, his perseverance, and his concern for his troops." Sanchez was passed over for one possible four-star promotion in the wake of Abu Ghraib. But the Los Angeles Times reported later in October that Rumsfeld and Richard Meyers, chairman of the Joint Chiefs of Staff, still want to make him a four-star general despite Army reports indicating that Sanchez approved of controversial interrogation tactics and did not move quickly to halt abuse.

While England remains the face of Abu Ghraib, reports keep coming out that her superiors were warned earlier than previously thought that widespread abuse existed beyond Abu Ghraib. The Washington Post reported this week that a report by retired Colonel Stuart Harrington found that Special Operations and CIA task force members abused Iraqi prisoners throughout that nation in secret facilities. The report found that the US military sweeps of thousands of people off the streets were so indiscriminate that they were "counterproductive to the coalition's efforts to win the cooperation of the Iraqi citizenry."

This is on top of the New York Times report this week on Guantanamo Bay, Cuba. The Times obtained a confidential Red Cross report issued in July that cited extensive physical and psychological abuse. The report said, "The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, unusual, and degrading treatment and a form of torture."

The White House and the Defense Department, of course deny this. Meanwhile, Major General Geoffrey Miller, the head of Guantanamo Bay from October 2002 until April this year, who advised Abu Ghraib how to treat prisoners, has been shuffled to a new job in the Pentagon to help run housing at Army bases. Rumsfeld and Wolfowitz remain in their jobs. National security adviser Condoleezza Rice has been nominated by Bush to be the next secretary of state.

Last and not least, there is Alberto Gonzales, Bush's pick to replace John Ashcroft as attorney general. Gonzales is the White House counsel who advised Bush that alleged Taliban and Al Qaeda prisoners can be held outside the Geneva Convention on the treatment of prisoners on

war. Gonzales said the war on terror is such a "new kind of war" that the need to quickly obtain information renders "obsolete" and "quaint" Geneva's strict limitations on questioning of enemy prisoners and providing them commissary privileges.

Gonzales wrote to Bush that by declaring such prisoners to be outside the reach of the Geneva Conventions, it would eliminate "any argument regarding the need for case-by-case determinations of POW status." Such a declaration, Gonzales wrote, "substantially reduces the threat of domestic criminal prosecution under the War Crimes Act."

Translated, Gonzales and Bush used the war on terror to justify the United States being a law unto itself. Lynndie England may get nearly four decades in jail. Alberto Gonzales is about to get four years to rewrite our laws. If England is the face of abuse, Gonzales is the hidden hand. If he becomes attorney general, you should not be shocked if new abuses of civil liberties occur in your school, your library, perhaps even in your home.