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Laws, not lip service

Appoint independent prosecutor to determine how high responsibility goes in torture cases

Editorial

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Top officials of the Bush administration, including the president and Secretary of Defense Donald Rumsfeld, have repeatedly promised the American people and the world that prisoners held at Guantanamo Bay in Cuba were being treated humanely and in accordance with the Geneva Conventions. The United States long ago adopted those conventions not just as policy but also as part of U.S. law, with strict criminal penalties for those who violate them.

But those officials lied. E-mails, memos and other internal government documents generated by American eyewitnesses to interrogations at Guantanamo Bay detail beatings, stranglings and psychological abuse of prisoners. The documents, made public through Freedom of Information Act requests filed by the American Civil Liberties Union, include accounts of lighted cigarettes placed in prisoners' ears, of prisoners dropped naked onto barbed wire and other barbarities. Those accounts provide powerful evidence that U.S. law has been broken not occasionally or by rogue individuals, but systematically and with approval - or at the very least, clear acceptance - at the highest levels of our government.

Unfortunately, the man nominated by President Bush to serve as our next attorney general, the person who as the nation's top law-enforcement official would ordinarily be charged with prosecuting these clear violations of federal law, has himself written memos that purport to explain how federal anti-torture laws can be avoided.

That alone should be cause to reject the nomination of Alberto Gonzales as head of the U.S. Justice Department. But given the meek reluctance of this Congress to confront the Bush administration on its excesses, that is unlikely to happen. At the very least, senators must use upcoming confirmation hearings to force a pledge from Gonzales to appoint an independent prosecutor to investigate the allegations of torture and cover-up. As a potential witness or even a target, Gonzales himself cannot possibly lead such an investigation.

This issue goes to the very heart of who we are as a country. We call ourselves a nation of laws, but do our laws mean anything when members of the executive branch declare themselves exempt, and that exemption is not challenged? We depict our struggle against terrorists as a battle between good and evil, but are we willing to abide by the values and standards of humane conduct that we claim to want to spread to others?

The growing evidence of cruel and systematic torture, often undermining valid interrogation, cannot be ignored. In the eyes of the world, a continued refusal to hold ourselves accountable will make us seem little better than our enemies and will be a setback as great as any we have experienced in our war against Islamic extremism.

And that defeat will be entirely self-inflicted.