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## **Looking the Other Way**

Editorial  
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The Bush administration enthusiastically congratulated itself this week for including abuses by Iraqi authorities in its annual report on human rights violations. One State Department official called it proof that "we don't look the other way." But the report did look away - from American involvement in the mistreatment it decried. In the end it was another sad reminder of the heavy price the nation has paid for ignoring fundamental human rights in Iraq, Afghanistan and Guantánamo; in the secret cells where the C.I.A. holds its unaccounted-for prisoners; and at home, where President Bush continues to claim the power to hold Americans in jail indefinitely without the right to trial.

The administration's refusal to remedy these abuses - or even acknowledge most of them - leaves the 2004 human rights report heavy with irony and saps its authority. Not only did the report fail to mention that the Iraqi government it criticized was appointed and controlled by the United States, but it also chastised the local security forces for the same kinds of arbitrary detentions, abusive treatment and torture that have been widespread in American military and intelligence prison camps. Indeed, some of the practices the report labeled as torture when employed by foreign governments were approved at one point for American detention centers by Defense Secretary Donald Rumsfeld.

The horrible abuses at Abu Ghraib and other American prison camps badly damaged the nation's image as a defender of human rights. The administration then worsened the damage by refusing to deal with the issue openly and forcefully. Just yesterday, Douglas Jehl of The Times reported that the Senate Intelligence Committee's Republican chairman, Pat Roberts of Kansas, is blocking a serious inquiry into the C.I.A.'s abuse of prisoners.

Meanwhile, on the same day the State Department issued its human rights report, the administration said it would fight a third federal court order to end the illegal detention of Jose Padilla, an American citizen who has been held for nearly three years without charges because Mr. Bush has declared him an "enemy combatant."

A district court judge in South Carolina, Henry Floyd, who was appointed by Mr. Bush in 2003, said the president's claim that he could order such detentions was "deeply troubling." He said endorsing that view "would totally eviscerate the limits placed on presidential authority to protect the citizenry's individual liberties." His ruling echoed earlier decisions by federal courts in New York, which were mooted when the Supreme Court said Mr. Padilla's case should have been heard in South Carolina, where he is held in a Navy brig. Now that has happened, and still Attorney General Alberto Gonzales says the administration will not accept the decision.

Mr. Gonzales continues to cling to the fiction that combating terrorism somehow gives Mr. Bush the power to violate Americans' constitutional rights. The administration's appeal will needlessly further delay Mr. Padilla's day in court. But we hope it will finally lead to a Supreme Court ruling against the White House's abuse of power. That would be a good step toward restoring America's moral authority on the rule of law and human rights.