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REGARDING MEDIA / TIM RUTTEN

Newsweek erred. So has U.S.

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In 1209, during the infamous crusade against the Albigensians of the Languedoc, the Catholic bishop of Beziers refused to surrender the heretics who had taken refuge in his city.

When the town was taken, the victorious commander asked the papal representative how his troops could tell the faithful from the heretics.

"Kill them all," the abbot replied, "for the Lord will know his own."

From that awful day to this melancholy Memorial Day weekend with its mounting casualty lists in Iraq and Afghanistan, sober minds have understood that the passion of combat and the inevitable fog of war conspire to obscure even the most rudimentary moral distinctions. For that reason, sane societies are prudent about the demands they place on their young men and women under arms and set them bright lines of conduct to follow when such demands are made.

The ability to make rational distinctions, we have painfully learned, is the intellectual equivalent of the opposed thumb — one of the critical attributes separating us from the brutes. That point, however, has been all but lost in the two weeks of mostly nonsensical reaction that has followed the revelation that Newsweek magazine erred in a brief item about the mistreatment of Muslim prisoners the United States is holding in its Cuban jail.

When the magazine's Michael Isikoff and John Barry imprudently relied on a single anonymous source for a May 9 report alleging that U.S. interrogators at Guantanamo Bay had "flushed a Koran down a toilet," it was an example of bad journalistic practice and a mistake. But, as reports published Friday demonstrated, it was a far less significant one than the critics have tried to make it out.

According to a U.S. military inquiry undertaken in response to the Newsweek item, five of 13 alleged incidents in which the Koran was somehow abused by guards or interrogators at Guantanamo turned out to be true. "No credible evidence" was found that an Islamic holy book was flushed down a toilet, which one supposes should be some sort of comfort. The military's investigation, however, is incomplete, and who knows what yet may emerge from this Cuban cesspool.

In this context, Newsweek's mistake seems increasingly minor. The notion that it ever was anything more than that may be energizing for our own ideological jihadis; it even may be a minor political opportunity for the Bush administration and supporters of its war in Iraq. But it hasn't been convincing from the beginning — and seems less so by the day.

First of all, it is ludicrous to argue that Newsweek is somehow responsible for the lives lost when reports of the magazine's item — disseminated in one form or another by Muslim clerics — touched off violent Afghan and Pakistani protests in which at least 17 people were killed. (Protests in other parts of the Islamic world also occurred, but without deaths.) All deaths anywhere are regrettable, but the fact is that Newsweek's editors did not shoot those men. They were killed by their own government's troops. Moreover, the religion-intoxicated masses of the Islamic street or bazaar do not require provocation to violence or hatred of the United States, Western civilization or modernity.

Before the United States troops pursuing the Al Qaeda murder gang overthrew the Taliban in Afghanistan, these same guys were out stoning to death women who wanted to learn to read.

As far as more pacific expressions of horror from the Saudis and others, oh please. When their religious police stop seizing bibles, breaking up non-Islamic religious services, executing Christian converts and forbidding Jews entry to the kingdom, we'll all sit down and listen to a nice long lecture on tolerance, Riyadh style.

But the ability to discern genuine cause and effect isn't the most consequential distinction obscured by the nasty domestic nattering attendant on Newsweek's error. What's been lost is any sense of what actually brought us to this disquieting moment. The problem here is not desecration of the Koran, but of our own fundamental values. Ever since the invasion of Afghanistan, the Bush administration has been running a secret prison system in which people are tortured — some to death — and fundamental legal and human rights are ignored with impunity. That is true in Guantanamo, as it was true in Abu Ghraib in Iraq and Bagram in Afghanistan. It may be true in other places, as well, but we don't know that. We may never know that.

That's the problem with secrets.

Thanks to Newsweek's mistake, the Pentagon has opened an inquiry into these allegations and we're learning a little more about what has transpired in Cuba. Tim Golden's recent reporting in the New York Times has documented the military's own investigation into torture and homicide at Bagram. At least two prisoners have been tortured to death there; others may have been. One of those beaten to death, according to military investigators, was innocent of any anti-U.S. activity.

The Army's Criminal Investigation Command, according to the New York Times report, has found probable cause to charge 27 officers and enlisted men and women for their conduct there. The Abu Ghraib prosecutions are ongoing. Down in San Diego, a court is hearing allegations that Navy SEALs working with — or perhaps under — CIA agents tortured Iraqi prisoners in their custody. It may have occurred at the behest of the intelligence operatives, but the testimony on that point was taken — you guessed it — in secret.

This week, Amnesty International issued a report calling the secret American prisons a contemporary "gulag." Once again, the ability to make rational distinctions has gone out the window. There were no official inquiries into what transpired in the Soviet camps. No guard there ever was called to account.

The fact that these tentative investigations and hesitant, circumscribed prosecutions are occurring over misconduct in our secret prison system is testament to the fact that, fundamentally, we know better. The continuing existence of these facilities is the consequence of two appalling failures.

One is this administration's decision to subject our troops to a temptation no military force ever should be asked to withstand. Holding prisoners in secret — beyond law, without representation, without oversight — then demanding that they extract information from them, no matter the method, is something no American in arms should be asked to do. Making that demand is a betrayal of the young men and women who have embraced the duty of national service.

The other failure is that of the mainstream press, which has failed to keep this moral abyss directly and constantly under the public eye.

In 1649, following the massacre of the garrison and thousands of civilians inside the Irish city of Drogheda, Oliver Cromwell wrote to the English parliament and said, "I am persuaded that this is a righteous judgment of God upon these barbarous wretches, who have imbued their hands in so

much innocent blood and that it will tend to prevent the effusion of blood for the future, which are satisfactory grounds for such actions, which otherwise cannot but work remorse and regret."

On this Memorial Day weekend, that chilling justification for atrocity is about the best excuse our leaders and commentators can offer the troops they have failed so badly.