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## **Mr. Gonzales and Abu Ghraib**

Editorial  
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The nomination of Mr. Alberto Gonzales as U.S. attorney general in the second Bush administration has focused attention once again on revelations that the United States has used torture on terror suspects. Since the first photographs of those misdeeds were made public last summer, there has been a steady drip of additional incidents. The damage that has been done to the U.S. mission in Iraq, and its image around the world, is incalculable.

Of course, Mr. Gonzales is not directly responsible for those degrading acts, but his legal reasoning made them possible.

The world was shocked by the news that U.S. soldiers had tortured suspects held at Abu Ghraib prison in Baghdad, allegations that were backed up with hundreds of photographs. The U.S. government responded to the reports by asserting that they were isolated incidents conducted by ill-trained reservists, that they occurred only at that prison and at a time of extreme confusion during the U.S. occupation of Iraq. Since then, a stream of revelations has proven each of the U.S. contentions false.

In fact, abuses were reported at Guantanamo Bay, Cuba -- where the U.S. has held high-priority suspects picked up in Afghanistan and elsewhere in the war on terror -- even before the Abu Ghraib incidents occurred. There have been reports of beatings, mock executions and torture of detainees in Iraq and Afghanistan. A number of detainees have died in U.S. custody. The abuses were committed by members of virtually every branch of the U.S. military.

When members of the U.S. government tried to report these crimes, they were threatened. Files were lost. When punishment was handed out, it was typically for noncriminal offenses. No official investigation -- and there have been several -- has yet assigned any responsibility to ranking officials who should have known about, and tried to stop, these horrors from occurring. In short, there is little indication that the U.S. government took these actions seriously or tried to stop them anytime before they became public.

Mr. Gonzales has denied any responsibility for what occurred. As the president's legal adviser, however, he helped draft a January 2002 memo that referred to the Geneva Conventions as "quaint" and argued that they did not apply to detainees in the war on terror. The search for information, it argued, overrode those legal instruments. He also participated in drafting another memo that split hairs to define how much pain and suffering could be inflicted on a prisoner before the treatment would be considered torture.

U.S. officials countered that they authorized aggressive tactics, not torture. But the paper trail shows that military officials have defended their techniques on the grounds that they were responding to orders from above. There are reports of explicit authorization to use interrogation tactics that have been denied to other agencies.

At his confirmation hearings last week, Mr. Gonzales said he was "sickened and outraged" by the Abu Ghraib photographs and pledged that "torture and abuse will not be tolerated by this administration." He promised that the Department of Justice would "aggressively pursue those responsible for such abhorrent actions."

Despite the controversy, Mr. Gonzales' confirmation is certain. Rarely is a president denied his Cabinet choices, and President George W. Bush's party controls the Senate. In addition, Mr. Gonzales' history is an uplifting tale of personal achievement that would make opposition seem churlish.

Nonetheless, confirming Mr. Gonzales as attorney general creates problems for the administration. It is essential that the U.S. make a concerted effort to get to the bottom of these abuse allegations. Washington must show how systematic the torture is and punish those responsible for it, no matter how high ranking those individuals prove to be. Yet such an investigation may well find its way to the White House or the Cabinet -- and will certainly involve legal documents for which Mr. Gonzales has some responsibility.

A reluctance to move up the chain of command in the face of overwhelming evidence of knowledge and approval by ranking officers will only convince audiences around the world that the U.S. is not interested in truth or justice. And perceptions are critical in the war on terror. The greatest asset that the U.S. and its allies have in this struggle is the belief that they are fighting for a greater good. The Abu Ghraib torture photos suggest that there is a yawning divide between America's self-appointed role as the defender of freedom and human rights, and reality. That gap must be bridged if Washington is to reassert its claim to moral leadership. And that, not the much vaunted military, is its most crucial asset in the world today.