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With Detainees, we're Training Terrorists

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When I created the folder several years ago, I shook my head as I tucked it into my filing cabinet. "U.S. Human Rights Violations," I wrote on the tab.

The earliest newspaper stories, reports by human rights groups and interview notes in the folder date to 2002, when the Bush administration began to defend its policy of holding hundreds of people incommunicado and indefinitely, without showing evidence against them. By March 2003, the file's progression shows, U.S. military coroners in Afghanistan had ruled as homicides the beating deaths of two detainees in American custody at Bagram Air Base.

The file grew thicker. I added subsections. "Torture," one of them is labeled. The most recent addition is marked "Secret Prisons." It holds the new accounts of a clandestine CIA prison system across the four corners of the world, most notably in what The Washington Post called "a Soviet-era compound in Eastern Europe."

Jose Padilla always has had his own file.

He started out as the alleged "dirty bomber," a terrorist supposedly so dangerous Attorney General John Ashcroft interrupted routine business in Moscow to announce that Padilla's capture at Chicago's O'Hare airport in May 2002 had "disrupted an unfolding terrorist plot" to explode a nuclear device on U.S. soil. After holding Padilla, a U.S. citizen, for two years without charge or evidence, the government changed its story to say that he'd plotted to blow up apartment buildings by using natural gas lines. Finally last week - days before it was due to submit arguments in a Supreme Court case challenging the president's policy of holding American citizens without trial or charge - the Justice Department indicted Padilla as a supporter of a terrorist group that was already under criminal investigation.

The ultimate word on the administration's detention policy for alleged terrorists is not just immoral. It is incompetent.

Four years into the "war on terror," the Bush administration is still making up the rules as it goes along. It has now treated one U.S. citizen - Padilla - far differently than it did another, Yasser Essam Hamdi. Hamdi was held for three years without charge until the Supreme Court ruled that he had the right to challenge his detention. The Bush administration then released him to his family in Saudi Arabia without bringing charges.

The administration still holds hundreds at Guantanamo Bay, Cuba, yet it has designated only a handful of them for trial by military tribunals. The tribunals themselves are under legal challenge. The fate of those who will never be charged is unknown. If the past is a guide, you can expect some sudden, seat-of-the-pants policy change that the administration will try to pass off as a well-considered plan.

Just how the administration intends to extricate itself from the business of running covert prisons overseas is, fittingly, opaque. Why did the CIA believe it could indefinitely operate such a network? The only way to keep a dungeon secret forever is to kill off all who've been kept there.

From the beginning, the Bush administration's policy of detaining people without charge or any legal recourse, and loosening the standards for how they are treated while in custody, has been both wrong and wrongheaded. It is wrong because it is morally unacceptable for the United States to violate the most basic rules of conduct - sweeping even its own citizens into a lawless no-man's-land, where they are held as if on the whim of an autocrat.

It is wrongheaded because we now are a paragon of hypocrisy, promoting the rule of law and denouncing human rights violations among others while systematically breaching them ourselves. So blind is this administration to the consequences of its actions that it has now jeopardized its East European allies, who are under scrutiny by the European Union for violating human rights laws if they allowed the CIA "black sites" to flourish.

And what of those who will, one day, be released simply because we have exhausted all excuses and worn out our rationales for holding them?

Perhaps there are terrorist training schools more skilled at turning out recruits seething with bitter hatred for the United States. But it would be hard to find any better than those we've created ourselves.