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## The Roots of Prisoner Abuse

Editorial  
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This week, the White House blocked a Senate vote on a measure sponsored by a half-dozen Republicans, including Senator John McCain, that would prohibit cruel, degrading or inhumane treatment of prisoners. Besides being outrageous on its face, that action served as a reminder of how the Bush administration ducks for cover behind the men and women in uniform when challenged on military policy, but ignores their advice when it seems inconvenient.

Senator Lindsey Graham, a Republican who has shown real political courage on this issue, recently released documents showing that the military's top lawyers had warned a year before the Abu Ghraib nightmare came to light that detainee policies imposed by the White House and Secretary of Defense Donald Rumsfeld violated American and international law and undermined the standards of civilized treatment embedded in the American military tradition.

In February 2003, Maj. Gen. Jack Rives, the deputy judge advocate general of the Air Force, reminded his civilian bosses that American rules on the treatment of prisoners had grown out of Vietnam, where captured Americans, like Mr. McCain, were tortured. "We have taken the legal and moral 'high road' in the conduct of our military operations regardless of how others may operate," he wrote. Abandoning those rules, he said, endangered every American soldier.

General Rives and the other military lawyers argued strongly against declaring that Mr. Bush was above the law when it came to antiterrorism operations. But the president's team ignored them, offering up a pretzel logic that General Rives and the other military experts warned would not fool anyone. Rear Adm. Michael Lohr, the Navy's judge advocate general, said that the situation at the American prison at Guantánamo Bay in Cuba might be so legalistically unique that the Geneva Conventions and even the Constitution did not necessarily apply. But he asked, "Will the American people find we have missed the forest for the trees by condoning practices that, while technically legal, are inconsistent with our most fundamental values?"

General Rives said that if the White House permitted abusive interrogations at Guantánamo Bay, it would not be able to restrict them to that single prison. He argued that soldiers elsewhere would conclude that their commanders were condoning illegal behavior. And that is precisely what happened at Abu Ghraib after the general who organized the abuse of prisoners at Guantánamo went to Iraq to toughen up the interrogation of prisoners there.

The White House ignored these military lawyers' advice two years ago. Now it is trying to kill the measure that would define the term "illegal combatants," set rules for interrogations and prohibit cruel and inhumane treatment of prisoners. The president considers this an undue restriction of his powers. It's not only due; it's way overdue.