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Our POW policy now needs to be looked at

BY Peter Maguire

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Sinclair Broadcasting Group got hammered for wanting to air in its entirety a propaganda film that attempts to blame John Kerry for the mistreatment of American POWs in Vietnam. That was rather ironic given that the scandal surrounding America's systematic abuse of prisoners in Iraq and Afghanistan is still unfolding under President George W. Bush's watch.

Dark questions about America's conduct in the "Global War on Terror" remain unanswered. Recently a criminal investigation into the deaths of two Afghan detainees held 28 American soldiers legally liable. Former employees at Guantanamo Bay have come forward to denounce our treatment of POWs there as torture under the Geneva Conventions. The time has come for a full and independent inquiry into American policy on prisoners of war.

While Pfc. Lynndie England and the rest of the "Abu Ghraib seven" may serve as convenient scapegoats for the Bush administration, any inquiry that does not include the policy-makers in the Pentagon will be little more than an exercise in strategic legalism.

The statesmen who shaped 20th century U.S. foreign policy employed international law in an extremely cynical manner. But the Bush administration has broken from even this ignoble tradition. They have replaced strained legalism with subjective standards that most closely resemble those of the first crusader Pope Urban II, who justified his wars of conquest on the grounds that "God wills it."

At one point, the president described the war on terrorism as a "crusade." In another beatific moment, the president described freedom as "a gift from the Almighty" and announced: "God wants everybody to be free. And that's part of my foreign policy."

While the fate of "freedom" in Iraq is uncertain at best, Bush's international legal legacy is secure - he will go down in U.S. history as the president who did more to undermine international law than any other.

When asked about international law in late 2003, Bush replied with his now famous smirk, "International law? I better call my lawyer." The administration's decision to reject the Geneva Conventions regarding "enemy combatants" in American custody - the most basic laws of war - came not from the soldiers who would carry out the orders, but civilians in the Pentagon. That decision helped lead the United States down the road to Abu Ghraib. As the late Brigadier Gen. Telford Taylor reminds us, "The laws of war are not the creation of sentimental civilians but of military men, and their purposes are practical as well as moral."

Secretary of State Colin Powell, one of the few combat veterans in the Bush administration, warned that the president's decision to shirk our long-standing commitment to the Geneva Conventions would "reverse over a century of U.S. policy and practice." Powell correctly predicted the "high cost in terms of negative international reaction" that would have "immediate adverse consequences for our foreign policy."

Not only did the invasion of Iraq and the ongoing POW scandals transform Osama bin Laden's 1998 fatwa against the United States into a prophesy, they also transformed America's image.

Today America looks like a bully with a bloody nose, lashing out at enemies both real and imagined. Anthony Lester of the British House of Lords put it best: "I find it especially dispiriting that the world's most powerful country and the country that stands for democracy and the rule of law should be setting such a bad example for the rest of the world."

Since 9/11, President Bush has, in the words of the Justice Department, enjoyed "complete discretion" in the exercise of his authority. The Bush administration has violated that sacred trust. Americans deserve a full investigation of the Pentagon's misguided POW policies and their architects - Donald Rumsfeld, Paul Wolfowitz and Douglas Feith, to name a few - must be held accountable. The ongoing trial of the Abu Ghraib seven, like the decision to flout the Geneva Conventions by imprisoning "enemy combatants" at Guantanamo Bay, have forced the American duality - the gap between our words and our deeds - out of the closet for all the world to see. This is the bitter harvest of the "war on terror."