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## The System Endures

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Editorial  
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SEVEN MONTHS AGO the leak of shocking photographs from the Abu Ghraib prison alerted the country to the fact that U.S. soldiers and interrogators were criminally abusing Iraqi detainees. In the weeks that followed, a still more disturbing story emerged: The torture portrayed in the photographs, while extreme and mostly unauthorized, grew out of a system of abusive treatment of prisoners established by the Bush administration after Sept. 11, 2001. Official investigations have documented the mistreatment of more than 100 detainees in Iraq, Afghanistan and elsewhere and the deaths of more than 20. In many cases these acts were committed by CIA or Army personnel who were following procedures authorized by such senior officials as Secretary of Defense Donald H. Rumsfeld, Iraq commander Lt. Gen. Ricardo S. Sanchez and White House counsel Alberto R. Gonzales. This news prompted some noisy congressional hearings; some angry lawmakers, including a few Republicans, called for reforms.

Yet the worst aspect of the Abu Ghraib scandal is this: The system survived its public exposure. The Bush administration is vigorously prosecuting the lowly reservists depicted in the Abu Ghraib photos, while brazenly defending the larger process it established for extracting intelligence from prisoners. No senior officers have acknowledged fault for authorizing harsh interrogation techniques or been held accountable by prosecutors or Congress. An official investigation into how the interrogation policies were drawn up and used, which was completed months ago, has never been released. No alteration has been made in the policies governing the system, including an extremely permissive definition of torture prepared under the direction of Mr. Gonzales, or a set of harsh techniques for interrogating prisoners approved by Mr. Rumsfeld.

Consequently it is no surprise that the International Committee of the Red Cross, which is monitoring the Guantanamo Bay prison and other U.S. detention facilities, continues to find that detainees in American custody suffer "cruel, inhumane and degrading" treatment that is "tantamount to torture." It also is no surprise that the Pentagon would reject those judgments without disputing the substance behind them. According to the New York Times, which obtained a Red Cross report from July, monitors found that prisoners were subjected to "solitary confinement, temperature extremes, use of forced positions." The Times said that some were forced to strip and then were shackled in uncomfortable positions while being exposed to loud noise or music and prolonged cold.

Such abuses are not isolated or the result of rogue behavior by guards. They are part of the standing procedure for interrogating Guantanamo prisoners, approved by Mr. Rumsfeld in April 2003. That's why the administration rejects the Red Cross charges: not because they aren't true but because President Bush and his political appointees -- as opposed to many of the professional lawyers in the military -- don't regard such tactics as improper. To back up their position, they have Mr. Gonzales, who oversaw a 2002 review that concluded that the infliction of pain short of death or organ failure, or psychological stress that did not cause permanent derangement, did not constitute torture under the treaties and federal laws that bind the U.S. government. According to the administration's reasoning, the same methods documented by the Red Cross could be properly used on Americans arrested by foreign governments, or on detainees in federal prisons.

By now it should be clear that Mr. Bush will perpetuate this systematic violation of human rights, and fundamental American values, unless checked by one of the other branches of government. The federal courts have begun to explore the handling of prisoners at Guantanamo; last week a

federal judge in Washington elicited from a Pentagon official the admission that information obtained through torture could be used by the tribunals the administration has established in Guantanamo to judge whether detainees are "enemy combatants." Yet Congress has shirked its responsibility. No hearings have been held on the prisoner abuse scandal in three months; no legislation has corrected the administration's twisted interpretation of torture or the Geneva Conventions. Mr. Rumsfeld, Gen. Sanchez and Mr. Gonzales have never been required to answer for their policy decisions. As long as such passivity continues, you can expect more disturbing reviews from the Red Cross.