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U.S. must debate abuse

KAREN GREENBERG (Op-Ed)
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In the past few days, allegations of abuse toward Muslim detainees at the Metropolitan Correctional Center in Manhattan and Metropolitan Detention Center in Brooklyn have been revealed by the Daily News. These detainees, who were swept off the streets after 9/11, claimed to have been stripped naked, deprived of sleep, shackled and humiliated. The allegations of such abuse, however, are hardly surprising. They reflect a de facto government nod to coercive interrogation and abuse that has come into the public eye. In Afghanistan, Guantanamo Bay and Abu Ghraib prison, reports have demonstrated a consistency of attitude and action: Detainees in U.S. prison camps are subjected to physical and psychological abuse.

Whether or not these allegations turn out to be valid, they raise questions we need to address: How has the use of abuse come about? And to what effect? What can we do about it?

The motivation for how it came about is apparent. Military authorities sought information from alleged terrorists. Frustrated by the difficulty of getting information from detainees, the government considered the possibility of harsher methods. When the Guantanamo detainees first arrived, parameters for treatment were already being considered. Justice officials and others, in a series of memos among the Justice, State and Defense departments during 2002, created legitimacy for moving toward a policy in which torture was defined as "organ failure" and in which Defense Secretary Donald Rumsfeld approved for a period of time categories of interrogation customarily disavowed. By the time of the Iraq war, the methods had been used repeatedly. Our treatment of detainees was abusive, secretive and extralegal.

To what effect? This is not just about whether we've gotten good information, but at what cost. As we abuse the wrong people, we run the risk of chasing away informants. On the legal level, we run the risk of not being able to introduce evidence into courts, either at home or abroad, running the risk of letting potential terrorists free.

What can we do? Attending to abuses against detainees in our home prisons would help begin a debate on abuse and its consequences. Congress should lead a national debate on the treatment of Muslims at home and abroad. Let's confront this as a nation, not behind closed doors. It is unlikely that Americans, however afraid or angry, will choose torture over the rule of law and the guarantees of international reciprocity.

Greenberg, of New York University's Law School, co-edited "The Torture Papers: The Road to Abu Ghraib."