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OCT 26 2005

TO: President George W. Bush

FROM: Donald Rumsfeld



SUBJECT: Wall Street Journal Article

Mr. President,

Attached is an article on the subject of detainees that came from a staff reporter of the Wall Street Journal, which I think covers the subject pretty darn well.

Respectfully,

Attach: WSJ article by Robert L. Pollock

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The 'Torture Narrative' Unravels

By Robert L. Pollock, Staff Reporter Of The Wall Street Journal

It's hardly a secret that Private First Class Lynndie England was sentenced this past week for her role as "leash girl" in the infamous abuses photographed at Iraq's Abu Ghraib prison in late 2003. But it was also noticeable that the denouement of this spectacular story was relegated to the innards of newspapers that had once given it weeks of front-page treatment. That's almost surely because the trial of the last of the Maryland Army Reservists to face justice -- like those of the others that came before her -- offered no evidence to support claims that the abuses were caused by a Bush administration that had "created the climate" or "set the tone" for "torture."

That was, of course, the widespread and explosive charge last (election) year. Almost immediately the leaked photos of Private England and her compatriots generated calls for Defense Secretary Donald Rumsfeld's resignation. So-called "torture memos" were unearthed, in which administration lawyers had discussed the range of permissible interrogation techniques -- for al Qaeda suspects in the wake of 9/11. And by one of the greatest leaps of logic ever seriously entertained in our national discourse, those memos were said to have caused the behavior of soldiers in Iraq who knew nothing beyond the limits outlined in the Army Field Manual. Ted Kennedy, for one, offered up a useful reminder of why Americans have never wanted him to be president by declaring that "Saddam's torture chambers reopened under new management, U.S. management."

The writer Heather Mac Donald dubbed this the "torture narrative." And it persists today despite the conclusion a year ago of the Independent Panel to Review DOD Detention Operations that the abuses "were not part of authorized interrogations nor were they even directed at intelligence targets" (emphasis added). Or in the words of the panel's chairman, former Defense Secretary James Schlesinger -- whose bipartisan cabinet career included a stint in the Carter administration -- what those pictures showed was sick behavior by the "night shift."

But don't just take his word for it. "You feel that by doing these things you were setting conditions for interrogations," a judge asked Private England in a hearing earlier this year. "No, sir," she responded. "So this was just a way to embarrass them?" he continued. "Yes, sir," was her reply.

Or consider the testimony of Specialist Jeremy C. Sivits: "Our command would have slammed us. They believe in doing the right thing. If they saw what was going on, there would be hell to pay."

In all, seven guards and two military-intelligence personnel have now faced justice for the Abu Ghraib abuses, with even those pleading guilty undergoing detailed sentencing hearings. No evidence has emerged to support the theory that abuses had anything to do with interrogation.

It's worth remembering too that these prosecutions were based on investigations conducted with dispatch that did the Army nothing but credit: A criminal probe was begun within a day of the abuse reports traveling up the chain of command on January 13, 2004; two days after that, Central Command issued a press release about the investigation; on March 20 it was announced that charges had been brought against six of those involved. Meanwhile, Major General Antonio Taguba had completed an investigation whose conclusions have now stood the test of nine courts martial. And this all more than a

month before the photos were leaked to the press.

Have detainee abuses occurred elsewhere in the war on terror? Of course. But they were "widespread" only if you define that term geographically instead of by frequency. The adjective "systematic" has been similarly misused. Overall, more than 70,000 detainees have passed through U.S. military custody since late 2001. About 500 criminal investigations have been conducted into allegations of related misconduct, many of which were found to be unsubstantiated. But more than 200 people have already been disciplined for actions ranging from failure to report to prisoner abuse itself.

There have also now been 12 major inquiries -- including investigations led by Major General George Fay and Vice Admiral Albert Church -- into detainee treatment in Iraq, Afghanistan and Guantanamo Bay. More than 2,800 interviews have been conducted and 16,000 pages of documents produced. And there have been 31 Congressional hearings and 45 staff briefings. Given that track record, we can be quite sure that the latest abuse allegations to surface (from an officer of the 82nd Airborne) will get the thorough hearing they deserve.

In short, all the evidence suggests a low rate of detainee mistreatment, one that compares favorably with U.S. civilian prisons, never mind that of other and earlier militaries. "The behavior of our troops is so much better than it was in World War II," Mr. Schlesinger told me last year. I called him this week to ask what we've learned since. "That the press exaggerated," he replied. The suggestion that Mr. Schlesinger and countless others -- from decorated officers to military juries -- have lent their good names to some kind of whitewash only reveals the remaining accusers for the crackpots they are.

Let me add some final words on how the Abu Ghraib scandal has affected America's image in Iraq. It hasn't been helpful, of course. But -- having traveled there three times in the past two and a half years, most recently in August -- I can attest that the dominant image of the American soldier in the minds of most Iraqis is that of liberator, as depicted in the sculpture shown here by a craftsman from Saddam's hometown of Tikrit. Americans can be proud of the way their young men and women have performed in Iraq and elsewhere in the war on terror. And they can be proud of the way the military has meted out justice for those few abuses that have occurred.