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AN INSECURE WORLD

Peace of mind's price

ABU GHRAIB

Soldiers' actions reflect the views of the highest levels

By Kevin Barry

October 10, 2004

To find the reasons and the causes when something goes terribly wrong in a military command, such as happened at Abu Ghraib, it is well to look to the policies in place and the culture and climate in the command.

An independent panel headed by former Defense Secretary James Schlesinger found there was no evidence that senior officials or military officials promulgated a policy of abuse and concluded that the outrages were simply the "Animal House" activities of a few morally corrupt soldiers.

Wrong.

The recipe for this bitter stew was written in Washington.

In the military, the commanding officer is a critical element. When a change of command occurs, it really is a very important event. The character and personality of the new commander will permeate the unit, and the officer's values and expectations will soon be reflected throughout the command.

Everyone in that unit knows that for the duration of that officer's tenure, their lives might be very good or they might be miserable. And all in the command wait for the signs. Who is this new person who has taken command? And will he or she be a good commanding officer?

And it is not limited to the immediate commander. Policies and practices from even higher up the chain of command will be trickling down as well.

In Abu Ghraib, those policies reached the highest levels.

Military people are extraordinarily adept at reading the signs that come down from on high. What does the "old man" want? Are deviations from doctrine tolerated--or even encouraged? Those in the unit will very quickly get a sense for what is expected and allowed.

In Abu Ghraib the signs had long been there. The policies and the expectations had been clearly laid out--in Washington. We were engaged in "a new kind of war" in which "the old rules" were inadequate and inapplicable.

The commander in chief himself had issued a remarkable decree that the Geneva Conventions did not apply to enemy combatants in the Afghanistan armed conflict. Though detainees would be treated "humanely," that term was not defined.

When rules of interrogation were written for Afghanistan, they included methods that went well beyond what was authorized in Army doctrine. When the Defense Department issued new interrogation rules for the U.S. detention center at Guantanamo Bay, Cuba, it also authorized methods that were far outside those that were authorized in Army field manuals that set forth in regulation the applicable provisions of domestic and international law.

The "bright-line" limits and well-established interrogation rules were gone, with no clear new limits set. Indeed, several different sets of rules were issued by the department between December 2002 and April 16, 2003, further muddying the waters on what were the acceptable limits on interrogation.

When pictures from Guantanamo were published and our methods of treating detainees became known, they were widely viewed not merely as not "humane" but as worse--even torture. But the official explanation was that such methods were acceptable and necessary for these "worst of the worst," "killers" who "do not share our values," whose only real value was as sources of intelligence. Another "sign" for the troops: Intelligence had become the crucial interest; other human values were less important.

Some in the military objected strongly to the new rules. The senior uniformed lawyers objected but were largely left out of the process of developing the new rules of engagement for interrogations. Unsatisfied, they made their concerns and objections known in writing, but these memoranda have been classified, and despite calls for their release by officials such as Sen. Lindsey Graham (R-S.C.), who finds them to be improperly classified, they remain unavailable.

According to the Schlesinger report, the rules of interrogation "migrated" from Afghanistan and Guantanamo, where the Geneva Conventions supposedly don't apply, to Iraq, where they do. But they did more than simply migrate. In August 2003, the April 2003 Guantanamo rules also traveled there in the briefcase of Maj. Gen. Geoffrey Miller.

Miller, then commander of Guantanamo, was directed (by persons unstated--just one of the many flaws in the Schlesinger report) to go to Iraq. The powers in the Pentagon were distressed at the lack of "actionable" intelligence being obtained from prisoners at Abu Ghraib and elsewhere in Iraq. Miller's job was to change that--in effect to make the interrogations like those at Guantanamo.

He urged Lt. Gen. Ricardo Sanchez, commander of Combined Joint Task Force 7 in Iraq, to promulgate command-wide interrogation guidance. Sanchez did so in September, and it went beyond what was authorized at Guantanamo by including techniques from Afghanistan.

The military police at Abu Ghraib were so shorthanded that there was only 1 military person to 75 prisoners--there was a 1-1 ratio at Guantanamo--and their lack of training was a critical deficiency. They and the military intelligence personnel were overwhelmed.

Sanchez then exacerbated the situation by putting the military intelligence brigade commander in charge of the Abu Ghraib prison, a move contrary to Army doctrine. What with contractors, CIA agents, and military intelligence personnel--many of whom had removed name and rank insignia--all seemingly having authority, the military police now did not really know who was in charge.

A brewing disaster

It was a recipe for disaster.

Clearly what was depicted in the pictures from Abu Ghraib was beyond the pale, and accountability under the Uniform Code of Military Justice is appropriate for those junior personnel directly involved. This is notwithstanding that they were underresourced and undertrained and might have been misled into going overboard in an effort to meet the perceived desires of their superiors and what they understood to be the highest priority: to help obtain the all-important "actionable intelligence."

But should it really stop there?

Does not some similar responsibility (and culpability) for this bitter stew lie above?

Failures of leadership

Tillie Fowler, a member of the Schlesinger panel, found fault with those in Central Command and in the Pentagon--she might also have added the White House--whose failures of leadership helped to set the conditions that allowed for the abusive practices to take place. Clearly the policies, priorities and values of the highest levels of our national security command structure had permeated throughout the military, particularly within military intelligence units responsible for interrogation.

The Pentagon has been quick to point out the numerous investigations completed or under way into the abuses at Abu Ghraib and elsewhere. But the most "independent" of them to date, the Schlesinger panel, was appointed by Defense Secretary Donald Rumsfeld, and though it found some failures at many levels, it seemed to go out of its way to avoid finding any

culpability in Rumsfeld or anyone else above the level of brigade commander.

No internal Defense Department investigation can or will be able to reach above to hold accountable those who helped set the conditions that made all this possible.

Retired admirals and generals recently called for the creation of an independent commission to investigate Abu Ghraib and all the rest of the prisoner abuses. It is a recommendation that needs immediate action.

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