



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

[fff@fff.org](mailto:fff@fff.org) [www.fff.org](http://www.fff.org)

## **The Senate Needs to Get to the Point about Abu Ghraib**

**by Jacob G. Hornberger**

It's nice that the U.S. Senate Armed Services Committee has summoned the secretary of Defense and a string of generals to testify about policies and procedures established by the Pentagon for the proper treatment of prisoners and detainees. But while that's important, it's not as important as the critical issue: Which military intelligence officers, CIA agents, and private contractors ordered, tolerated, or permitted the sex abuse, torture, rape, and murder of prisoners and detainees at Abu Ghraib prison?

Why isn't the Senate getting directly to the point by subpoenaing the following people to testify before Congress:

1. Col. Thomas M. Pappas;
2. Lt. Col. Steve L. Jordan;
3. Stephen Stephanowicz;
4. John Israel;
5. All military officers — including lieutenants, captains, majors, colonels, and generals — and all CIA agents and private contractors who were in Abu Ghraib prison during the months that the wrongdoing was taking place;
6. All the enlisted men who are currently being court-martialed for wrongdoing at Abu Ghraib; and
7. The custodian of records at Abu Ghraib prison, to bring the official log identifying all U.S.-authorized personnel who were at Abu Ghraib prison during the pertinent months that the wrongdoing was taking place?

Here's what the [Taguba report](#) says about Pappas, Jordan, Stephanowicz, and Israel:

Specifically, I suspect that COL Thomas M. Pappas, LTC Steve L. Jordan, Mr. Steven Stephanowicz, and Mr. John Israel were either directly or indirectly responsible for the abuses at Abu Ghraib (BCCF) and strongly recommend immediate disciplinary action as described in the

preceding paragraphs as well as the initiation of a Procedure 15 Inquiry to determine the full extent of their culpability.

The witnesses listed above would have personal knowledge of what actually took place at Abu Ghraib. Unlike Rumsfeld and the other witnesses who have been called to testify before the Senate Armed Services Committee, they would be able to describe exactly what happened at Abu Ghraib and why it happened. They would be able to state whether they committed the acts of misconduct on their own or on the orders of superior officers whom they could then identify.

In other words, why is the Senate going from top-down rather than from bottom-up? Why not simply get to the point by ordering every one of those witnesses at Abu Ghraib to promptly board a military transport to Washington, D.C., to give testimony under oath before the duly elected representatives of the American people about one of the most devastating and damaging scandals in the history of our country?

“But they might take the Fifth Amendment!” And so what? Maybe some of them won’t. Maybe some of them will want to testify fully and completely about what happened, regardless of the personal consequences. What would be the harm in summoning them to testify, even if they end up taking the Fifth?

“But it might interfere with criminal investigations!” Nonsense! It is not at all unusual for investigations by the legislative branch to be conducted right alongside criminal investigations by the executive branch. The executive branch has a duty to prosecute for criminal offenses but the legislative branch has a duty to enact legislation to remedy problems. Both duties can be fulfilled simultaneously. After all, isn’t that what the U.S. Armed Services Committee already claims to be doing with its current hearings? Anyway, there is no indication that the U.S. Justice Department, which has jurisdiction over the prosecution of war crimes committed by CIA agents and private contractors, has even convened a federal grand jury to address what occurred at Abu Ghraib.

Yesterday, either insurgents or terrorists in Iraq beheaded an American civilian [in retaliation for](#) the sex-abuse, torture, rape, and murder scandal at Abu Ghraib prison.

Several days ago, I wrote in my [May 3 daily blog](#):

If you ever wanted to feel sorry for U.S. troops in Iraq, now would be a good time to do so. The Iraqi insurgents already have enough incentive to fight and die just trying to rid their nation of a foreign occupier, but the anger and hatred and thirst for revenge and vengeance is now going to be immeasurable, given the unbelievable humiliation wreaked on Iraqi men with the forced nudity, sex abuse, rape, and torture at Abu Ghraib prison, especially by U.S. female military personnel. One of the worst things a soldier can ever face is a well-motivated enemy.

Last year, in April 2003, I wrote the following in my article [“Obedience to Orders, Part 2”](#):

Any officer who gives a hoot for the welfare of his men will do his best to ensure that such a wrongful policy [i.e., torture] is abandoned posthaste. Moreover, while there is no guarantee that enemy forces will honor the same rules of right conduct, it’s much easier to call on them to do so

when you are on the moral high ground. Americans are supposed to be better. We're supposed to be the model for the world. That applies not only to civil society but to our military as well.

Those who are tempted to protect the people who have engaged in these war crimes, or to downplay what they have done, should make no mistake about the consequences of their position — while protecting the wrongdoers or minimizing what they have done, they are at the same time putting the screws to American soldiers who are taken prisoner in the future. And the same holds true for American civilians, especially those who travel overseas.

That's why, if a person cares about the integrity of our country and the welfare of American troops and citizenry, there is no alternative to favoring a full, complete, and open investigation and criminal prosecution of every person, including officers, CIA agents, and private contractors, who participated in the wrongdoing at Abu Ghraib. It's time for the Senate to get to the point.

*Mr. Hornberger is founder and president of The Future of Freedom Foundation.*

**This article was originally published in May of 2004.**