

# ABU GHRAIB, HAMDI, AND RATHER

I've been meaning to go back to compare the chronology laid out by Dan Rather in his complaint as it pertains to Abu Ghraib with the chronology of the Taguba investigation and the Hamdi case. Two things stick out. First, Myers pretended to be ignorant of the details of the abuse on May 6, several weeks after he called Dan Rather personally to spike—or delay—the story. Second, it appears the news of the abuse leaked to 60 Minutes and others at about the time the military put Major General Geoffrey Miller in charge of responding to the abuse—suggesting the leak may well have been a response to the military's attempt to cover up the abuse and investigation. And finally, as Lysias noted, the attempts to postpone the story would have delayed the Abu Ghraib revelation after the time when Paul Clement assured SCOTUS there was no torture.

Scribe noted in his comment that Rummy probably also called CBS to get them to spike the story. If Rather gets Rummy under oath, he may well have to reveal who in the Administration knew of the torture—and either didn't tell Ted Olson and Paul Clement. Or did.

August 31 to September 9, 2003: Major General Geoffrey Miller ordered to Abu Ghraib from Gitmo

October 1, 2003: Hamdi petition filed with SCOTUS

Fall 2003: General Sanchez visits Abu Ghraib regularly

January 9, 2004: SCOTUS agrees to hear Hamdi

January 13, 2004: Joseph Darby gives CID a CD of images of abuse

January 15, 2004: General Craddick receives email summary of story

January 19, 2004: General Sanchez requests investigation of allegations of abuse

January 20, 2004: Craddick and Admiral Keating receive another notice of abuse

January 2004: General Myers learns of abuse

January 31, 2004: Taguba appointed to conduct investigation

February 2 to 29, 2004: Taguba's team in Iraq, conducting investigation

March 9, 2004: Taguba submits his report

Late March, 2004: 60 Minutes II starts on story

April 2004: General Miller ordered to Abu Ghraib to fix problems

April 7, 2004 (approximately): 60 Minutes II acquires photos authenticating Abu Ghraib story

Mid-April, 2004: General Myers calls Dan Rather to ask him to delay story

Mid-April, 2004: Taguba begins to brief officers on his report ("weeks" before his May 6 meeting with Rummy)

April 28, 2004: Hamdi v. Rumsfeld argued before SCOTUS; Paul Clement assures SCOTUS that the Administration doesn't torture

QUESTION: May I ask just one other question, I think it's just relevant. But do you think there is anything in the law that curtails the method of interrogation that may be employed?

MR. CLEMENT: Well, I think there is, Justice Stevens. I mean —

QUESTION: And what is that?

MR. CLEMENT: Well, just to give one example, I think that the United States is signatory to conventions that prohibit torture and that sort of thing. And the United States is going to honor its treaty obligations. The other thing that's worth mentioning of course –

QUESTION: But you said something about self-executing. In connection with the Geneva Convention, you said, well, it's not self-executing. Would you say the same thing about the torture convention?

MR. CLEMENT: Justice Ginsburg, I actually have the sense that the torture victims – you have the Torture Victim Protection Act, of course, which I think doesn't actually apply to the United States. So I'm not sure that there would be any other basis for bringing a private cause of action against the United States. But as this Court noted in footnote 14 of the Eisentrager opinion, the idea that a treaty is going to be enforced through means other than a private cause of action doesn't mean that it's not a binding treaty, doesn't mean that it's not going to constrain the actions of the executive branch. Just to finish up my answer to Justice Stevens' question, I wouldn't want there to be any misunderstanding about this. It's also the judgment of those involved in this process that the last thing you want to do is torture somebody or try to do

something along those lines.

April 28, 2004: Abu Ghraib story airs on  
60 Minutes II

May 6, 2004: Taguba meets with Rummy,  
Wolfowitz, Cambone, Myers, and others

In the meeting, the officials  
professed ignorance about Abu  
Ghraib. "Could you tell us what  
happened?" Wolfowitz asked.

[snip]

“Here I am,” Taguba recalled  
Rumsfeld saying, “just a  
Secretary of Defense, and we have  
not seen a copy of your report.  
I have not seen the photographs,  
and I have to testify to  
Congress tomorrow and talk about  
this.”

May 7, 2004: Rummy testifies before  
Congress

June 28, 2004: Hamdi decision