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No Price to Pay for Torture

The Supreme Court's refusal to consider the claims of Maher Arar, an innocent Canadian who was sent to Syria to be tortured in 2002, was a bitterly disappointing abdication of its duty to hold officials accountable for illegal acts. The Bush administration sent Mr. Arar to outsourced torment, but it was the Obama administration that urged this course of inaction.

In the ignoble history of President George W. Bush's policies of torture and extraordinary rendition, few cases were as egregious as that of Mr. Arar, a software engineer. He was picked up at Kennedy International Airport by officials acting on incorrect information from the Royal Canadian Mounted Police. He was sent to Syria, to which the United States had assigned some of its violent interrogation, and was held for almost a year until everyone agreed he was not a terrorist and he was released.

The Bush White House never expressed regret about this horrific case. There was only then-Secretary of State Condoleezza Rice's [bland acknowledgement](#) to a House committee in 2007 that it was not "handled as it should have been." Since he took office, President Obama has refused to fully examine the excesses of his predecessor, but surely this case was a chance to show that those who countenanced torture must pay a price.

In Canada, the government conducted an investigation and found that Mr. Arar had been tortured because of its false information. The commissioner of the police resigned. Canada cleared Mr. Arar of all terror connections, [formally apologized](#) and paid him nearly \$9.8 million. Mr. Arar had hoped to get a similar apology and damages from the United States government but was rebuffed by the court system.

Amazingly, Mr. Obama's acting solicitor general, Neal Katyal, [urged](#) the Supreme Court not to

take the case, arguing in part that the court should not investigate the communications between the United States and other countries because it might damage diplomatic relations and affect national security. It might even raise questions, Mr. Katyal wrote, about “the motives and sincerity of the United States officials who concluded that petitioner could be removed to Syria.”

The government and the courts should indeed raise those questions in hopes of preventing these practices from ever recurring. The Canadian police continue to investigate the matter, even the actions of American officials, though their counterparts here are not even trying.

The Supreme Court’s action was disgraceful, but it had stepped away twice before from cases of torture victims. There is no excuse for the Obama administration’s conduct. It should demonstrate some moral authority by helping Canada’s investigation, apologizing to Mr. Arar and writing him a check.