

## Muted Victory for Ehren Watada

by Laura Flanders via rialator - The Nation *Tuesday, Nov 13 2007, 8:05pm*

international / injustice/law / other press

Nov 12 --This country sets aside two days to honor military service. On Veterans Day we celebrate the living; on Memorial Day we remember the dead. I'd like to propose a third national holiday: Active Duty day. A day to celebrate those who refuse to leave their conscience at home. A day to cherish those who elevate this nation's morals by refusing to participate in illegal acts.

Leading this year's Active Conscience-on-Duty Day parade should be First Lt. Ehren Watada, the first commissioned officer to refuse deployment to Iraq.

"To me," Watada told a court earlier this year, leading soldiers into battle in Iraq "means to participate in a war that I believe to be illegal."

Last Thursday a civilian judge handed Watada a victory against those in the military who would like to see him silenced, convicted and locked up.

In June 2006, Watada gained international attention when he publicly denounced the Iraq war as an illegal occupation and then refused to deploy with his Fort Lewis Stryker Brigade.

This February, his court-martial ended in a mistrial, after which his attorneys claimed that Fifth Amendment constitutional protections protected him from a second round in court.

On November 8, Judge Benjamin Settle agreed: "The same Fifth Amendment protections are in place for military service members as are afforded to civilians ... . To hold otherwise would ignore the many sacrifices that American soldiers have made throughout history to protect these sacred rights," he wrote.

In issuing a preliminary injunction, the Judge concluded that "it is likely" that Watada will succeed in his claims that a second court-martial would violate constitutional protections against being tried twice for the same crimes.

But Army officials aren't giving up. In a statement, they said they will file briefs in U.S. District Court to try to prevent the injunction from becoming permanent.

Now is the time for all moral men and women in uniform to stand up — not just behind Lt. Watada, but at his side. So far, not one other officer has followed in the lieutenant's footsteps.

According to the Army more than 10,000 soldiers have deserted since the Iraq invasion started. Every year, the number of deserters has gone up. Official statistics say 3,196 went AWOL last year, compared to 2,543 the year before. Based on the calls they received, groups like Iraq Veterans Against the War put the real numbers at ten times that.

Desert if you must, but better yet, come out. Activate your Conscience on Duty and I bet I won't be the only one to hoot and holler and organize a parade.

For more on Lt. Watada's case go to Thank you Lt. Ehren Watada.

© 2007 The Nation

<http://www.thenation.com/blogs/notion?pid=251202>

---

Cleaves Alternative News. <http://cleaves.lingama.net/news/story-784.html>