

CAN'T GITMO DIRTY - THE PENULTIMATE STRAW

Marcy is in Minneapolis at the ~~Wide Stance Film Festival~~ National Conference for Media Reform (a really cool program I might add, the link is worth a look) and Ted Stevens clogged my tubes last night, but things look to be A-OK this morning.

Guantanamo The Showcase is starting to seep into the conscience. Marcy has pointed out the rather curious intersection of the right wing family value of hating on same sex marriage, and those who would wish to practice it, with military commission procedure. By far and away, the best national reporting on the Guantanamo Show is, and has long been, done by Carol Rosenberg at the Miami Herald. Marcy thinks it is Pulitzer Prize good; by the time the year is out, I'll bet she may be right. Our friend drational has done a couple of posts reminding us that the Gitmo Showcase is much more than a macabre puppet play for the Cheney/Bush torture fiends, it is also a big campaign commercial for the "law and order" set at the GOP.

But I want to bring attention to something that really sank in for me yesterday morning and that a few people are starting to pick up on, but not many, and not nearly enough. Rosenberg laid out the background on the day long arraignment proceedings for the detainees at Gitmo at the link cited above:

But the day was remarkable – a 9 a.m. to 6:30 p.m. court session, including two prayer breaks – in which each man rejected the two to four military and civilian attorneys sitting beside him.

The director of the American Civil Liberties Union, Anthony Romero, watched from the spectators gallery in a fury. He had been building a death penalty

defense fund and pool of criminal defense lawyers to help the military lawyers.

"It was one of the saddest days in American jurisprudence," he said. 'The word `torture' was used so abundantly and the legal process continued."

He blamed Pentagon haste to get the men to trial before the end of the Bush administration. Defense lawyers were not given sufficient time to forge attorney-client relationships "with men who were tortured for five years," before Thursday's arraignment, he said.

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Some of the men rejected the legitimacy of commissions, in which U.S. military officers serve as judge and jurors. Saudi Mustafa Hawsawi, who allegedly funneled funds for the terror plot, went last and appeared to be echoing the others who came before him.

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At one point, after earning the right to defend himself, Bin Attash interjected with a question: "If we are executed, will we be buried in Guantánamo or sent back to our home countries?"

Kohlmann didn't answer.

However, it was a couple of lines in a teevee report by NBC/MSNBC's Jim Miklaszewski yesterday (Friday) morning that were what pegged the outrage meter for me. I cannot find a clip of the exact report I saw, it was on MSNBC at about 9-9:30 am Pacific time. If anybody knows it and/or has a link, please post it in comments and I will update accordingly. Here is how I described it at the time in an email to Marcy and some other friends you all know:

Usual junk except for what I am sure he thought were a couple of throwaway lines that I found real interesting. The first

was the report we already heard about KSM in the courtroom yesterday at the arraignment being the leader and speaking to the other detainees there as a group, clearly exhibiting his authority. But then the reporter relates how a couple of the other detainees seemed hesitant to give up their military lawyers and be martyrs, but how KSM was explicit in commanding the others, and how the government is not necessarily unhappy with this because the more the military lawyers are out of the picture, the easier the detainees all will be to convict (and administer the death penalty to by extension).

Doesn't seem that earth shattering at first; however, think through the dynamics to date and the blaring significance sets in. The US has assiduously kept the detainees separated and isolated all this time so that they could not communicate and have structural control from the top down and, then, out of the blue, viola! Right in the middle of the courtroom, Khalid Sheikh Mohammed is blithely allowed to huddle them up like Favre does the Packers. When they break huddle, all of them, even the hesitant ones, suddenly want to dismiss their JAG/military lawyers that have been doing such commendable work under impossible conditions. Exactly at the point it is useful to help the US rid themselves of those meddlesome military lawyers that have been beating up their dog and pony shows.

First the Cheney Administration sacked the military judge that had the gall to allow even a shred of due process to the detainees, and now they have effectively sacked the military lawyers that had the temerity to seek it. This was a knowing and intentional play to deny counsel. The US Administration knew what Khalid Sheikh Mohammed would do, and they knew that, given the opportunity, he would command the other detainees to do the same. So the US made

sure it happened, so as to suit their demented self serving convenience. In writing this post, I have found one other person (h/t to Siun) that has also realized what occurred, and it is none other than Anthony Romero, the Director of the ACLU; everybody should know and be ashamed of what has been done in our name.

This huge bit of legal depravity is of truly profound significance, I cannot emphasize that enough. It sure will go an awful long way to wedge out and marginalize the only lawyers actually doing their job in this whole mess, and will insure that a competent record of the torture will not be created (even if the detainees do mention it). It will also hasten the death penalty killing of these detainees that are prime evidence of the whole US torture scheme. Pretty much is one big eraser and obscurer of the legal hash the prosecution has made. Brilliant. But morally, ethically and legally craven and deplorable. This is the story from the Guantanamo arraignment last Thursday that should be being discussed and decried. This is the penultimate straw; the last straw will be the snuff films that have been facilitated and hastened by Thursday's Gitmo arraignment shame.