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"Cutting Through the Fog of War"

PEACE & POETRY & ART



CONTEST CELEBRATION



U.S. Law May Allow Killings, Holder Says

By *Charlie Savage*
Published: March 5, 2012

WASHINGTON — Attorney General Eric H. Holder Jr. asserted on Monday that it is lawful for the government to kill American citizens if officials deem them to be operational leaders of Al Qaeda who are planning attacks on the United States and if capturing them alive is not feasible.

“Given the nature of how terrorists act and where they tend to hide, it may not always be feasible to capture a United States citizen terrorist who presents an imminent threat of violent attack,” Mr. Holder said in a speech at Northwestern University’s law school. “In that case, our government has the clear authority to defend the United States with lethal force.”

While Mr. Holder is not the first administration official to address the targeted killing of citizens — the Pentagon’s general counsel, Jeh Johnson, did so last month at Yale Law School, for example — it was notable for the nation’s top law enforcement official to declare that it is constitutional for the government to kill citizens without any judicial review under certain circumstances. Mr. Holder’s remarks about the targeted killing of United States citizens were a centerpiece of a speech describing legal principles behind the Obama administration’s counterterrorism policies.

“Some have argued that the president is required to get permission from a federal court before taking action against a United States citizen who is a senior operational leader of Al Qaeda or associated forces,” Mr. Holder said. “This is simply not accurate. ‘Due process’ and ‘judicial process’ are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process.”

Mr. Holder’s speech has been planned since last fall, when questions were first raised about the Obama administration’s legal justification for the targeted killing of Anwar al-Awlaki, a New Mexico-born radical Muslim cleric who died in an American drone strike last September. The administration has rejected bipartisan calls to release a secret memorandum by the Justice Department’s Office of Legal Counsel, which signed off on killing Mr. Awlaki. Mr. Holder’s speech was designed to offer the public some explanation of the government’s reasoning.

Still, the speech contained no footnotes or specific legal citations, and it fell far short of the level of detail contained in the Office of Legal Counsel memo — or in an account of its contents published in October by The New York Times based on descriptions by people who had read it.

The administration has declined to confirm that the memo exists, and late last year, The Times filed a lawsuit under the Freedom of Information Act asking a judge to order the Justice Department to make it public. In February, the American Civil Liberties Union filed a broader lawsuit, seeking both the memo and the evidence against Mr. Awlaki.

Last month, Justice Department court filings against Umar Farouk Abdulmutallab, the Nigerian man who attempted to blow up a Detroit-bound airliner on Dec. 25, 2009, provided a detailed account — based on his interrogations — of Mr. Awlaki’s alleged involvement.

Mr. Holder, by contrast, did not acknowledge the killing of Mr. Awlaki or provide new details about him, although he did mention him in passing as “a U.S. citizen and a leader” of Al Qaeda’s Yemen branch when discussing Mr. Abdulmutallab.

Although widely reported, American drone operations over Yemen are considered to be covert by the administration. Mr. Holder said that while he could not “discuss or confirm any particular program or operation,” he believed it was important to publicly explain national security legal principles.

Those began, he said, with the authorization to use military force against Al Qaeda and its allies, enacted by Congress shortly after the terrorist attacks of Sept. 11, 2001, an authority that he said extended beyond the traditional battlefields of Afghanistan because Al Qaeda members are moving — and launching attacks — from elsewhere.

He also said that some threats come from “a small number of United States citizens” who are plotting attacks from abroad, and that “United States citizenship alone does not make such individuals immune from being targeted.”

He focused on one situation in which someone could be killed without a trial: when a citizen who is believed to be an operational leader of Al Qaeda or its allies and who is plotting attacks; who is located in a country that either granted the United States permission to strike or that is unable or unwilling to suppress the threat on its own; and whose capture is not feasible.

Significantly, Mr. Holder did not say that such a situation is the only kind in which it would be lawful to kill a citizen. Rather, he said it would be lawful “at least” under those conditions. Later, he offered an example of another situation in which it would be lawful to kill a citizen even if all those requirements were not met: “operations that take place on traditional battlefields.”



Bradley Manning's Lawyer: Dismiss all the Charges

By Larry Shaughnessy,
CNN Pentagon Producer

Fort Meade, Maryland (CNN) -- Blaming "widespread discovery violations" by military prosecutors, Pfc. Bradley Manning's lead lawyer, David Coombs, on Tuesday asked a military judge to dismiss all the charges against him with prejudice, which means he could not be recharged in the future.

The Army intelligence analyst is suspected of leaking hundreds of thousands of classified military and State Department documents while serving in Iraq. Many of those documents ended up on the WikiLeaks website.

The charges include aiding the enemy, wrongfully causing intelligence to be published on the Internet, transmitting national defense information and theft of public property or records. He could go to prison for life if convicted.

The request to drop the charges was one of a number of motions discussed at this military base between Baltimore and Washington. Changes in members of the defense and prosecutions teams were also announced or ruled upon Tuesday.

As for the request to dismiss the charges, Coombs said because the prosecutors did not understand the discovery rules, he and his fellow attorneys have not been given information that could help in his defense.

Coombs gave the following example: He said of the 15 computers in the secure area where Manning worked as intelligence analyst, 10 of those computers' hard drives had been wiped clean. He also said that of the remaining five computers, evidence was found indicating many soldiers added unauthorized software.

One of the charges against Manning accuses him of adding software to computers to allegedly allow him to download classified documents.

The chief prosecutor, Maj. Ashden Fein, told the court that the prosecution team has been looking for information that they would be required to turn over to the defense all along and turn over all they are required to turn over as soon as possible.

The judge, Col. Denise Lind, said she would rule on the dismissal motion Wednesday morning.

Coombs also asked the judge to order the turnover of damage assessments reports created by several federal agencies that examined the problems caused by the release of hundreds of thousands of classified documents by WikiLeaks.

Lind told prosecutors to get those reports from the Defense Intelligence Agency, the CIA, the State Department and the Justice Department and provide them to her so she may review them in private before ruling on whether Manning's attorneys can see them.

The CIA has been granted a delay until May 2 to respond to the request, and the State Department is preparing a document showing why it doesn't have to provide damage assessments under the court's rules.

In the personnel changes, Manning has a new military lawyer working with his civilian defense attorney.

Manning requested Tuesday that the two military attorneys who were assigned to him, Maj. Matthew Kemkes and Capt. Paul Bouchard, be removed and replaced with Capt. Joshua Tooman. No reason was provided.

Lind granted the motion.

Under the Uniform Code of Military Justice, every military defendant has at least one military lawyer assigned to him or her at no cost to the defendant.

The defendant may also hire a civilian attorney but the government does not usually cover that cost. For Manning, that is Coombs, who is being paid by Manning supporters.

Chief prosecutor Fein also announced that some of the lawyers on the prosecutor's side of the case have changed as well.

Next VFP56 meeting will be held
on Thursday, May 3rd at
7:00 PM.
Meeting will be held in the
Commons Room at 550 Union
Street in Arcata.
Veterans and non-veterans are
more than welcome to come and
help us dialogue about what we to-
gether can do to bring about peace
in this complex world.



Secret Service Prostitute Scandal: 12th Military Member Implicated

By Phil Stewart

BOGOTA, April 23 (Reuters) - A 12th U.S. military service member was linked to a prostitution scandal in Colombia on Monday and the Pentagon suspended the security clearance of personnel implicated in the events ahead of President Barack Obama's visit earlier this month.

Twelve Secret Service employees have also been implicated in the incident, the worst scandal in decades for the agency responsible for the safety of the president and other senior officials. Six of those have since left the Secret Service.

The 12th military service member, attached to the White House Communications Agency, has been relieved of his duties pending the outcome of an investigation, according to a U.S. defense official, who spoke on condition of anonymity.

U.S. Secret Service and military personnel allegedly took as many as 21 women back to their beachfront hotel in Cartagena on the night of April 11-12, just before Obama arrived in the seaside city to attend the Summit of the Americas.

They were discovered when one woman complained about money, leading to the involvement of the local police.

"We expect our people, wherever they are, whether they are in Colombia or any other country ... to behave at the highest standards of conduct," U.S. Defense Secretary Leon Panetta told reporters at Colombia's Tolimaida military base.

"If these investigators find that there have been violations ... those individuals will be held accountable."

Panetta said the Pentagon had suspended security clearance for the military personnel implicated in the scandal, although it was unclear how many of the 12 individuals had such clearance.

"Frankly, my biggest concern is the issue of security and what could possibly have been jeopardized by virtue of this kind of behavior," Panetta said.

The incident embarrassed the United States and overshadowed Obama's participation at the summit.

Hiring prostitutes, no matter the legal status where the act takes

place, is prohibited for U.S. military personnel. Those convicted under the military justice system can be imprisoned for up to a year and be discharged dishonorably.

Meanwhile, the conduct of the White House staff and advance team for Obama's Colombia visit had been reviewed and cleared, White House spokesman Jay Carney said on Monday.

Independent U.S. Senator Joseph Lieberman had said on Sunday that the White House should launch an internal review of all White House personnel and advance teams who were in Cartagena.

During his trip to Colombia, Panetta announced that the United States would facilitate the sale of 10 helicopters to its South American ally, including five U.S. Army Blackhawks that have been in service in Afghanistan. The other five are commercial helicopters.

Panetta said the United States would continue to provide training, equipment and assistance that Colombia has requested to defeat the Revolutionary Armed Forces of Colombia, or FARC, who he termed a common enemy.

"The United States stands in solidarity with Colombia and its campaign against the FARC," he said of Colombia's largest guerrilla group.

A U.S. official called the Blackhawks a "scarce commodity."

Helped by billions of dollars in U.S. aid in the last decade, Colombia's armed forces have used better intelligence and mobility to batter guerrilla armies, pushing their fighters into ever more remote hideouts.

The FARC has adjusted its tactics, however, by returning to its guerrilla roots and using smaller units - in contrast to the 1990s when it seized large swathes of territory.

(Editing by Doina Chiacu and David Brunnstrom)

Ex-VA Hospital Official Faults Mental Health Care

By Kevin Freking/ Associated Press -
Thu, Apr 26, 2012

WASHINGTON (AP) — Veterans are waiting too long for mental health care and are unaware that hospitals sometimes manipulate records in an attempt to make it appear that standards are being met, a former Veterans Affairs hospital official told senators Wednesday.

Hospitals are "gaming the system," with administrators so fo-

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cused on achieving performance targets, in part to get bonuses, that they don't always do what's best for the patient, said Nicholas Tolentino, former mental health administrative officer at the VA medical center in Manchester, N.H.

Tolentino told the Senate Veterans' Affairs Committee that he knew the problems were not unique to Manchester because of the work he did with other hospital officials nationwide.

Department policy requires that veterans receive a mental health treatment appointment within 14 days of their desired date. Tolentino said his hospital met that target by simply eliminating the opportunity for patients to state a desired appointment date. Instead, the veteran was told when the next appointment was available. Then, that appointment, often weeks or months away, was entered into the VA's records as the desired date.

"If that's being done, it's totally unacceptable," William Schoenhard, a deputy undersecretary, told the committee.

Tolentino no longer works at the hospital. He said he resigned about four months ago when he said it did not take meaningful action against a pharmacologist who appeared to be intoxicated while providing patient care. Jim Blue, a spokesman for the VA's New England region, said the VA would thoroughly review the allegations. "But let's be clear: The employees (at Manchester) take the quality of mental health care they provide very seriously. When problems are identified they are promptly addressed," Blue said.

The department's inspector general released a report two days ago disputing the VA's claim that 95 percent of veterans seeking mental health care get personal evaluations with 14 days of their initial request. The report characterized VA data as unreliable and said only about half the patients are seen that quickly. The other half have to wait an average of 50 days, according to the investigation.

Congress is particularly concerned about patient wait-times. Lawmakers say the stories they hear from veterans contradict the rosier reports they get from the department.

Investigators said at the hearing that VA schedulers were not following proper procedure when setting appointments, which made the data unreliable and inaccurate.

Schoenhard did not disputing the report's findings. He promised lawmakers to work with investigators on putting in place more reliable measurements.

"We fully embrace that our performance measurement system needs to be revised," he said.

Schoenhard also noted that the VA will be adding 1,600 mental health workers as well as 300 support staff. VA officials said that additional hiring is already underway and that they plan for the additional hires to be completed over the next five to nine months.

Lawmakers said the department doesn't have a reliable model to determine exactly where those workers should be placed and noted that it's already struggling to fill some 1,500 openings.

Sen. Patty Murray, who heads the committee, said VA care providers are delaying follow-up appointments with mental health patients because their schedules are too full. She complained the department has been slow to tackle the problem.

"VA is failing to meet its own mandates for timeliness, and instead is finding ways to make the data look like they're complying," said Murray, D-Wash.

VA officials point out that they've invested heavily in mental health care over the past few years. Staffing is up 45 percent since 2005, but the patient load has increased by almost that amount.

Dr. John Daigh, assistant inspector general for health care inspections, said he agreed that the quality of care that veterans receive from VA facilities is excellent, but he said that obtaining access to that care is a different story.

Sen. Scott Brown, R-Mass., said the problems pointed out by investigators were "mind-boggling" and pointed to what he called culture problems at the VA. "The gaming of the system has to stop," he said.

Brown suggested VA officials let private providers handle more of the mental health treatment. He said that the department has authority to pay for outside care but only does so about 2 percent of the time.

Schoenhard said the VA does send patients to outside providers when it can, but he seemed to resist Brown's proposal. "I think we can take this on in our system," he said.

G.I. Right Hotline adds New Counselor

By Mashaw McGuinnis

At the G.I. Rights Hotline, office, the same ol' faithful folks have been taking calls for years, helping enlisted people and vets alike, navigate the governmental system that surrounds military life.

It has proven difficult to find good, trainable counselors who can handle the types of calls that come in. With problems as serious as suicide, and as complex as processing discharge upgrades, the situation calls for people who are intelligent, clear-headed and thoughtful.

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The newest addition to their team is Jim Lennon, a Marine vet who lives in Arcata. You may have seen him occasionally on the Plaza, at the Friday night vigil. Jim is recently retired from teaching, and his Hotline commitment of one afternoon each week is certainly less grueling than five days a week facing a roomful of high school students.

Some would-be counselors shy away from Hotline opportunities, because they fear it will be emotionally draining. But Jim hasn't found that to be his experience at all. "It feels meaningful to me, to be able to help people who are adjusting to military life, as I once had to. Back then, (40+ years ago) I wish I'd had these kind of resources available to me."

Tucked away in a tiny office in Arcata, volunteer counselors support young recruits, older vets, even spouses and family members of those deployed. They've all got questions, be it medical, financial, legal or personal. If you think you would like to be trained as a volunteer counselor, give Johnny Calkins a call at 496-0706.

with this new law...well, they sure taught me a lesson."



Notorious Bill Thompson, AKA "Slick", being hauled away by Humboldt's finest at Humboldt County Court House.

Photo courtesy Bob Doran of the North Coast Journal

Menacing Veterans Apprehended at Eureka Courthouse

By Mashaw McGuinnis

The capture of two local Veterans For Peace members may have averted serious danger from county residents. Bill Thompson, 82, and Rich Gilchrist, 76, were taken into custody for their brazen sitting, and standing, in front of the Eureka courthouse on Saturday, April 7.

At approximately 9:45 p.m., two uniformed Sheriff Deputies were called to the scene where approximately 120 people gathered, heavily armed with white candles and cardboard signs. Among the insurgents was the notorious Raging Granny, ninety-one year old Jean Doran, who was brandishing a walker. An unnamed witness reported that, "she was waving that thing right out in the open."

Doran was just one of many extremists, who came out to protest the county supervisors' recent "emergency ordinance," which denies the public their constitutional right to peacefully assemble in front of the courthouse between 9:30 p.m. and 6:00 a.m. The ordinance sent a strong, clear message to reckless individuals like Jim Sorter, who arrived packing his loaded asthma inhaler. "I was going to do something crazy with this," admitted Sorter, fingering his Albuterol, "but now

Teaching a lesson was clearly part of the deputies' plan. With firearms strapped to their hips and mace on their belts, the officer's threatening image quickly curbed seventy-seven year old Kit Crosby-Williams' plan to incite. "I'm just glad I have a permit to carry this," wheezed Crosby-Williams, pointing to the oxygen tank strapped to her back, "otherwise, there's no telling what they might have done."

The long arm of the law is not new to suspects Thompson or Gilchrist. Both have arrest records for civil disobedience dating back to the Civil Rights era. Gilchrist was arrested five times in Washington D.C., most recently for protesting the incarceration of Bradley Manning last year. Law enforcement officers have scrutinized Gilchrist's flagrant parading of his eight pound canine around town. "They're under constant surveillance," confirmed one source at the county courthouse, which refused to be named.

Gilchrist was finally released at 1:30 a.m., when Foghorn reporters caught up with him. "We can keep being arrested one at a time and the government is prepared to keep arresting us one at a time, or in small groups," stated Gilchrist. "If this country is going to turn the corner towards peace and away from war, it is going to take a mass movement... will it take a civil war type of action? I think it might. It

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doesn't have to be a violent action, but it has to be a determined action."

Meanwhile the county continues to take its own action, by additionally banning the "operation of a food facility". A drastic measure some believed necessary to stop Nezzie Wade from her subversive activity of serving homemade soup at the location on Fridays. One homeless individual declared, "If I'd eaten anymore Minestrone, I might have gotten stronger, and become a danger to myself. The authorities can't take on that risk. I'm sure grateful to the county supes for outlawing my one hot meal a week."

In a bold act of malfeasance, Wade challenged the law by baking 99 cookies and brought them to the courthouse on May first, where a May Day celebration ensued. "We're not done with these agitators..." stated one officer on the scene, "but I..." The deputy's statement became incomprehensible, due to his chewing of a large chocolate chip cookie.

Pentagon Response On Rape In Military Not Enough

San Francisco Chronical Editorial, April 20, 2012

Female service members who suffered rape and sexual assault from their fellow soldiers have been further victimized by indifference from the Pentagon. Defense Secretary Leon Panetta acknowledged as much Monday.

In a much-needed and long-awaited response to the problem, Panetta announced to members of Congress a series of incremental policy changes on reporting, investigating and prosecuting rapes. "I will change the way they are handled," he said.

It's a tiny start. Yet, without changes to the military justice system and the chain of command, which leaves discretion about reporting and punishment of rapes and sexual assaults up to an individual rather than a legal process, such assaults will continue.

Last Friday, the Department of Defense released its annual report on sexual assault within the military. Reports of rapes and sexual assaults among active duty personnel in fiscal year 2011 increased slightly, while punishments and convictions decreased. Rep. Jackie Speier, D-Hillsborough, a member of the House Armed Services Committee who has proposed legislation to change the way the military handles sexual assault, summed up the report as "regrettably, more of the same."

Despite increasing spending on sexual assault prevention and training, and maintaining a special victims unit since 2009, the Department of Defense is not seeing the number of rapes and assaults go down. Only 2,412 sexual assaults were reported of an estimated 19,000, and only 191, or 8 percent, resulted in a conviction. Most of the rapes occurred stateside, not in overseas deployments.

Military justice is prosecuted very differently than in the civilian justice system, which has a process and sentencing guidelines for rape. Courts-martial are the most severe punishment. Other cases may result in nonjudicial punishments - a service member is docked pay, he is demoted or confined. A commander even could reverse a punishment after conviction. Punishments vary widely.

Take the story of Marine Lt. Ariana Klay, who was gang raped by fellow service members, including one of the 191 convicted last year. He spent 45 days in the brig for adultery and indecent language, and was paid \$7,000 a month while incarcerated, according to Protect Our Defenders, an advocacy group for military rape victims.

Despite admonitions that the military has zero tolerance for rape, the military system supports a culture that values "military character" over justice for victims. Unlike the civilian system, the defense may cross-examine victims and previous sexual conduct is admissible evidence. It's no wonder so few victims report the crime.

Speier would place the reporting, investigation and victim care under a new, and autonomous, office comprised of civilian and military experts - a policy much overdue.





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LET US HEAR FROM YOU!

H.R. 347

The House of Representatives approved a bill this month that outlaws protests in instances where some government officials are nearby, whether or not you even know it.

The US House of Representatives voted 388-to-3 in favor of H.R. 347 late Monday, a bill which is being dubbed the Federal Restricted Buildings and Grounds Improvement Act of 2011.

The new legislation allows prosecutors to charge anyone who enters a building without permission or with the intent to disrupt a government function with a federal offense if Secret Service is on the scene, but the law stretches to include not just the president's palatial Pennsylvania Avenue home. Under the law, any building or grounds where the president is visiting — even temporarily — is covered, as is any building or grounds “restricted in conjunction with an event designated as a special event of national significance.”

It's not just the president who would be spared from protesters, either.

Covered under the bill is any person protected by the Secret Service. Although such protection isn't extended to just everybody, making it a federal offense to even accidentally disrupt an event attended by a person with such status essentially crushes whatever currently remains of the right to assemble and peacefully protest.

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