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THE WAR ON TERROR

A Five-Year Retrospective

Our Changed World

BY LORA STEINER

“The world changed on September 11.”

This was—still is—a commonly heard mantra after the terrorist attacks in 2001. For many Americans, who had been able to live cocoon-like lives, insulated from wars and suffering, the attacks were a shock. “Why do they hate us?” questioned some. “We’ll never be the same,” said others.

Indeed, the world hasn’t been the same, in some ways for the better: In the past five years, increasing numbers of Americans have studied Islam and Arabic, wanting to learn about a culture and religion of which most of us know little.

But in the past five years, the United States’ ideas about security—and what brings it—have changed. Human beings are sequestered without trial. E-mails are read, phones are tapped. The U.S. military is still in Iraq and Afghanistan, with no plan for pulling out. We live in a world which includes the Patriot Act and the fattened pocketbooks of military contractors.

Gerard Granado, of the Caribbean Council of Churches, recently spoke in Washington, D.C. He said that the people of the Caribbean are also engaged in a struggle for security. But Granado defined security broadly, calling it a “comprehensive concept,” one which includes economics, culture, food, education and healthcare. Granado said that it is a matter of quality of life and human dignity. How, he asked, in a region which knows persistent poverty, could churches help carve out a space befitting that dignity?

Human rights are those rights which are universal: they include things such as freedom of thought, religious freedom and civil liberties. Simply put, human rights are about dignity—our own and that of others.

In this issue we examine the U.S. government’s approach to human rights. Daryl Byler writes about the importance of rule of law (pg. 2); Mya Wheeler reports on funding for military recruitment (pg. 3); Theo Sither examines conscientious objection issues (pg. 4) and Krista Zimmerman looks at human rights violations within the United States (pg. 5). Max Ediger writes how changes since Sept. 11 have impacted human rights work in Asia (pg. 6) and Ahmed Younis shares a perspective from the Muslim-American community (pg. 7).

And with this issue, we say goodbye to Bethany Spicher Schonberg and Lora Steiner. Bethany and her husband Micah are traveling across the country, learning about organic farms. Lora plans to study at Associated Mennonite Biblical Seminary this fall.

We welcome Justin Shenk, Theo Sither and Krista Zimmerman. Justin recently graduated from Eastern Mennonite University and will monitor civil liberties, religious freedom and crime and justice issues. Theo has worked with the Center on Conscience & War. He will cover international economic issues and U.S. policy toward Latin America and Asia. Krista previously practiced law with Baker & Daniels LLP in Elkhart, Indiana. She will follow immigration, healthcare and U.S. poverty issues. ■

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BY J. DARYL BYLER

It's impossible to teach respect for democratic principles and the rule of law, if they are not modeled.

Rule of Law

When I practiced law, it often seemed that cases moved much too slowly. Due process is tedious. Whether in civil or criminal matters, it takes time to carefully collect the evidence and ensure that all sides are fairly represented. It was not uncommon for a case to take several years.

Due process seems slow and tedious, until one considers the alternative. Since Sept. 11, we have witnessed a dramatic increase in extra-judicial practices—detaining persons without bringing charges; torturing detainees to extract information or confessions; and executing persons on the spot, in multiple places in Iraq.

Prison practices at Guantanamo Bay (Cuba) and Abu Ghraib (Iraq) are the most poignant images of what's wrong with extra-judicial processes. Guards and military police have taken the law into their own hands rather than following time-honored basic protections for detainees.

The Geneva Conventions—to which the United States is a party—state clearly that persons detained in times of war “shall in all circumstances be treated humanely.” They prohibit “cruel treatment and torture . . . [and] outrages upon personal dignity, in particular humiliating and degrading treatment . . .” (Article 3).

But if the nation is at war and people are threatening U.S. security, what's wrong with playing rough? After all, some of the people being held are probably guilty.

Initially, the Bush administration argued that the Geneva Conventions did not apply to detainees from the “war on terror.” The administration has since backed away from that argument, while continuing to skate at its very edges.

Why is it critical that the United States and other nations abide by the rule of law?

First, the rule of law protects innocent people. Governments exist to reward good conduct and punish wrongdoers (Romans 13:1–4, I Peter 2:13–14). While far from perfect, judicial processes provide an orderly way to weigh a person's conduct against well-established standards of the law. Even in the Old Testament, two or three witnesses were required to levy the most severe punishments (Deuteronomy 17:6).

True, such high standards may mean that some guilty persons go free. But they also prevent innocents from being unjustly punished—as is increasingly the case in the U.S. “war on terror.”

Second, the rule of law restores a sense of order. Proper police work and carefully designed judicial processes create a sense of decorum, solemnity and fairness. Extra-judicial practices and punishments, on the other hand, inflame passions, create chaos and lead to more violence.

While police in the United States are usually required to obtain search warrants before entering a home, U.S. soldiers in Iraq and Afghanistan frequently make late-night raids—often barging in on innocent civilians and violating the sense of honor in Muslim cultures. Broad sweeps result in detaining thousands of innocent people, many of whom turn sour against their captors.

It's hard to imagine that Americans would tolerate sweeping arrests and excessive use of force to capture a violent criminal in the United States. Why would Iraqis or Afghans feel any differently?

Finally, you can't teach what you don't practice. Laudably, the Bush administration wants to encourage democracy around the world. But it's impossible to teach respect for democratic principles and the rule of law, if they are not modeled—even in the most difficult of times. ■

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Less Than Sneaky Recruitment Efforts

Today the U.S. military spends nearly four billion dollars every year on military recruitment. Before Sept. 11, this figure was in the millions, with total spending in 1995 at only \$600 million. What caused this dramatic increase?

National security that is focused on the nation-state as the main body tends to focus on military might, as seen in the Cold War. The burden then falls upon the military to expand, meaning more weapons and more people. The U.S. military is still a voluntary institution, which means that the Department of Defense has to devise more effective ways to reach its ever-mounting recruitment goals.

Enlistment in the military is based on the premise of free choice, but recruiters often target certain groups and can make one option seem like the only viable choice. An example of the coercive tactics used by the government is the No Child Left Behind Act. The act was a 2001 initiative to boost the education system in the United States, which provides additional funding for schools and requires regular testing. Section 9528 of the act grants military recruiters access to students' private information while threatening to cut off federal funding if schools don't comply. Often, lower income inner cities schools receive the most funding and attract the most military recruiters.

In the military, there is a disproportionate amount of people of color from lower income families. Why are these people so willing to be enlisted, even though they often do not receive high status and die more often at the front lines than their

wealthier counterparts? Part of the answer lies in the fact that a recession in recent years has made it more difficult to find jobs. Recruiters promise students an education, good pay and opportunities to advance beyond their means. Limited circumstances often make the military feel like the right choice.

Because of the Privacy Act of 1974, there is an "opt-out" clause written into Section 9528. This clause allows parents and students to request that their information be kept private. But fearing the loss of federal funding or perhaps lacking time and energy to brief students on this clause, most schools never disclose that. And most students aren't aware their information was given out until a military recruiter comes knocking at their front door. ■

BY MYA WHEELER

DID YOU KNOW?

On average, the military spends about \$14,000 per person recruited, with advertising consisting of cruise ships, adventure vans, and even massive concerts. In 1999, the military spent nearly \$300 million on advertising and by 2002 this had doubled to more than \$600 million. This year, the military will spend somewhere between \$2.7 billion to \$4 billion dollars, just for recruitment efforts.

CAPITAL QUOTES

"Although they broke the law by illegally crossing our borders . . . our city's economy would be a shell of itself had they not, and it would collapse if they were deported. The same holds true for the nation."

—New York Mayor Michael Bloomberg

"Last year four countries accounted for nearly all executions worldwide: China, Iran, Saudi Arabia and the United States. As my Irish grandmother used to say, you're known by the company you keep."

—Anna Quindlen

"[It's] an old-fashioned war where we are right, and we were attacked for no reason whatsoever. This is probably the most justified war in our history."

—Israeli peace activist Ari Shavit on Israel's action against Lebanon

Pontius' Puddle



Conscientious Objection in a Post-Sept. 11 World

BY THEO SITTHER

*“I was afraid of waking up one morning to realize my humanity had abandoned me.”
—Staff Sgt. Camilo Mejia, conscientious objector*

The world is indeed a different place since the attacks on Sept. 11, 2001. Since then the United States has attacked and invaded two nations in the name of freedom and security. The military’s continual engagement in these conflicts brings to light one fundamental issue that has been part of military history since its beginning: conscientious objection in the military and among those who are concerned about a possible military draft.

Before Sept. 11, conscientious objection was a sideline issue. Since the attacks and ensuing wars, many conscientious objectors have publicly stated their opposition to war, even risking jail time. Others have advocated for the return of the military draft.

The draft. In January 2003 Rep. Charles Rangel (D-NY) introduced the Universal National Service Act (H.R. 4752), which was intended to reinstate the draft. This bill, though it had little chance of passing, brought to light that many in Congress do not understand conscientious objection. The provision in the bill for C.O. status was limited and turned the clock back to the era of WWI, where all conscientious objectors were drafted into the military as “non-combatants.”

Rep. Rangel’s bill has inspired much debate. Some have argued that politicians will be slow to approve war if everyone—including their own children—were required to serve. Others have said that with a draft in place, youth from “peace churches” will learn the value and integrity of service through the alternative service system. Some argue that a draft will weaken the military and make it less effective; or that any kind of a draft is not good because it will only provide a steady stream of bodies into the battlefield. Whether or not a draft is imminent, the real-

ity of living in a post-Sept. 11 world is that Congress and the general public need to be constantly reminded of what conscientious objectors believe.

Conscientious objection in the military. As with any war, the number of conscientious objectors in the military increased after the United States invaded Afghanistan and Iraq. Many soldiers have realized that they cannot in good conscience participate in war. Some have made public statements declaring their beliefs; others have quietly applied for C.O. status. Additionally, for the first time since Vietnam, some have crossed the northern border into Canada to find refuge.

Unlike the first Gulf War, the military did not suspend its C.O. discharge policy. However, it has become increasingly difficult for anyone to be discharged or re-assigned as such. Many find that processing a claim can take six months or longer and during this time they are mistreated or given orders that would force them to violate their beliefs. Others who have gone public with their opposition to war have had to face harsher treatment, including jail time. As the military engages deeper into conflicts in different parts of the world, many within the ranks come out opposing war. And as more soldiers speak out, the military works harder to silence their voices.

This includes voices like those of Kevin Benderman, who is currently serving a fifteen-month jail term, and others like Katherine Jashinski, Diedra Cobb, Camilo Mejia and Pablo Paredes. These courageous men and women stood up to the military structure from the inside and made sure that their voices were heard. These voices are an essential part in the effort to end the ongoing war in Iraq.

Conscientious objection is no longer just a Vietnam issue; it is one that many young people and military service members face. As the government engages in wars in Iraq and Afghanistan and as rumors spread of wars to come, many more people are standing up and declaring that they cannot participate in war or violence. ■

It’s important to continually educate Congress about conscientious objection.

Promoting Human Rights at Home and Abroad

Since Sept. 11, the relationship between the United States and the rest of the world has grown increasingly complex. In many cases, the self-proclaimed protector of freedom asks other countries to conduct themselves according to the dictates of treaties and the international rule of law. Sometimes it even holds itself out as a model of progress, human rights and the rule of law. In reality, the truth about its own human rights record is more complicated.

The United States has a long history of refusing to enforce, within its own borders, the same human rights standards it so often requests of others. Decades after signing international human rights treaties, it frequently exempts itself from the very treaty obligations it purported to undertake. It usually does so by employing one of two methods. In some cases, it refuses to acknowledge treaty obligations as internal U.S. law and its domestic courts decline to enforce them. In other circumstances, the United States employs devices called Reservations, Understandings and Declarations (RUDs) to sign onto an international treaty in a qualified and contingent matter.

One often cited example of the United States' failure to enforce its own international treaty obligations is the country's historical refusal to honor the requirement of the Vienna Convention on Consular Relations. The convention requires the United States to notify foreign governments whose citizens are involved in capital cases in American courts. Twice, in cases brought by Germany and Paraguay, the International Court of Justice (ICJ) ordered the United States not to execute prisoners who failed to receive protections. Nonetheless, American courts allowed the executions to proceed. Last year, in a new case brought by Mexico, the ICJ again instructed the United States to enforce Vienna Convention rights and halt executions.

The irony in the situation is obvious to many. The United States has invoked the Vienna Convention to ensure protection for American citizens abroad but has refused to provide meaningful protections for foreign citizens within its own borders.

Very recently, however, the United States took several actions to lend new force of law to several human rights obligations. The Bush administration issued a memorandum to state courts instructing them to honor the decision of the ICJ in the case brought by Mexico. Then, the Supreme Court of the United States, in *Hamden v. Rumsfeld*, used one of the nation's oldest human rights treaties, the Geneva Conventions, to strike down the use of criminal tribunals for Guantanamo prisoners. Unfortunately, many legal experts are skeptical about whether the substantive protections that resulted from these actions will endure.

Still, even if foreign nationals are granted full consular notification protections in the future, and the use of criminal tribunals at Guantanamo remains discontinued, the nation should continue to improve its human rights record. The United States ignores the internationally recognized rights of asylum applicants, its minority groups continue to be over-represented among those it executes, serious labor violations and inequities persist and numerous human rights obligations remain unenforced. As the United States' international activism continues in the post-Sept. 11 era, the United States and its citizens will be in a more trusted position to advocate for justice, human rights and the rule of law among nations if they are seen as promoting those same principles at home. ■

BY KRISTA ZIMMERMAN

The United States would have more legitimacy if it were perceived as promoting human rights at home.

BY MAX EDIGER

Max Ediger works in Hong Kong with the Documentation for Action Groups in Asia.

Sept. 11 should have brought about a deep introspection within the United States on global political and economic relationships, but instead it has been used as an opportunity to make uninformed judgements.

Hammers and Nails

Psychologist Abraham Maslow, best known for his proposal of a hierarchy of human needs, is quoted as saying, “When all you have is a hammer you begin to see every problem as a nail.” Human rights workers and those involved in justpeace movements in Asia feel that the United States has now eliminated almost all of their tools for dealing with international conflict except for their massive military “hammer.” With this tool they aggressively strike every perceived “nail” they identify in the global community.

Not only has this escalated international tensions, but it has also given countries dealing with internal democratic liberation movements a way to justify using their own “hammers” against local activists who raise dissenting voices critical of human rights abuses and political, economic and social injustice. The work of these activists has become much more difficult since Sept. 11. They face the increased possibility of arrest and even assassination within their countries. This has been the case in the Philippines, where a growing number of church workers have been abducted and killed by vigilante gangs, possibly supported by the government.

Taking a cue from the United States in its war against terror, some of these governments have too liberally begun labeling those within their own country whom they do not appreciate as “terrorists,” giving a sense of legitimacy to the harsh measures being taken to silence the rebellious voices.

The post-Sept. 11 “hammer” approach to dealing with conflict situations has certainly made the world less secure and, according to one Indian peace activist,

the very notion of freedom has suffered a severe setback. He says, “The human rights of people in Asia are now being openly violated with the rationalization that these abuses are being done to protect human rights.” According to this activist, Sept. 11 should have brought about a deep introspection within the United States on global political and economic relationships, but instead it has been used as an opportunity to make uninformed judgments against others and to invade other countries for the United States’ own agenda. Respect for the United States and its reputation as a stronghold of democracy has, consequently, fallen to an all-time low.

Because the present U.S. administration’s “bring them on” machoism has helped create a world order in which saber-rattling has quite effectively sidelined diplomacy as a foundation for international relations, human rights organizations and justpeace activists fear that their efforts for social justice will increasingly be stymied until a global leadership that once again cherishes the art of diplomacy returns to front stage. This by no means indicates that justpeace movements in the Asia region are being intimidated into inaction by the war on terror and its sideshows, but rather that their work has become much more complicated and susceptible to harassment by those in power.

It is unfortunate that efforts to make the world safe from terrorism are actually making people feel more insecure and frightened, but that is probably a predictable outcome of the “hammer” approach to problem solving. Governments could learn much from the civil society movements in their countries who are working to develop a variety of tools for effective conflict transformation and the pursuit of a lasting justpeace. Not every problem in the world is a nail and thus a hammer is rarely, if ever, the effective means to deal with it. ■

Muslim Americans Since Sept. 11

As Brownie troops meet and Little League baseball games draw cheerful crowds of multiple faiths throughout the mosques of America, Muslim community leaders are hard at work grappling with innovative ways of engaging their nation for its betterment. For the six to eight million Muslims of America, civic engagement and community development were on the front burner before Sept. 11, but today there is increased invigoration to participate.

Since Sept. 11, Islam and Muslims have become the focus of much scrutiny in the public eye: many wonder how Muslims can participate in the war on terrorism. Here at home, voices in the mainstream media are asking why Muslims don't condemn the extremist terrorism that occurs in their name. Muslims, on the other hand, have felt their condemnations have not been heard due to their lack of resources and access to mainstream media outlets. Today, that perception is changing fast: more and more each day, American Muslim leaders clearly and unequivocally condemn all forms of violence which occur in the name of Islam.

On both sides of the so-called "Muslim-West" divide, those with extreme views push the idea of a clash of civilizations. They base their arguments on what suits their domestic political and ideological interests, fomenting unrest and distrust as they spread misinformation. In the Muslim world, extremists argue that the "clash" is best seen in the alleged war on Islam waged by the West, with the intention of ridiculing and destroying the vestiges of greatness that these cultures once had. In the West, there are those who incite and instigate the Muslims of the world in

defense of so-called values that are at odds with Islam. Those who occupy the extremes of discourse around the world (on both sides) are the ones that benefit from the "clash of civilizations."

But the American Muslim experience has proven that the "clash" is a fallacy. Generations of Muslims have demonstrated that there is neither dissonance nor friction between the founding principles of Islam and those of the United States. That is, one can be both 100 percent American and 100 percent Muslim, and be fully engaged in American society.

In a post-Sept. 11 context, the Muslim American community is poised to make a unique contribution to the nation. In that pursuit we look to other faith communities for partnership and cooperation for an inclusion into national debates on policy and politics. Christian, Jewish and Sikh communities have extended their hands for such engagement, in Washington, D.C. and around the nation. In many ways, Muslims in America serve as the modern-day litmus test of the nation's integrity. As our civil rights and liberties are bolstered, so too will the founding principles of the nation be bolstered to serve both our homeland security and the cohesion of our pluralism as a nation. ■

IN OTHER'S WORDS

BY AHMED YOUNIS

Ahmed Younis is National Director for the Muslim Public Affairs Council.

Moderate Muslims feel they have not been heard due to their lack of resources and access to mainstream media outlets.



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ANNOUNCEMENTS

Washington Office Spring Seminar “Living With Hope” March 18–20, 2007

The theme for our 2007 Washington Office spring seminar will be “Living With Hope.” We live in a world in which we are able to receive constant images and information about natural disasters, poverty, wars and rumors of wars, and even when we lobby for policy changes, we rarely see immediate (if any) results. How can we continue to be faithful advocates, and find inspiration for the journey? Watch for more details about the seminar in the next *Memo*, or check our web site for updates.

Annual High School Essay Contest Deadline November 30, 2006

As a way to get high school students involved in critical thinking about the government and public policy, the MCC Washington Office hosts an annual essay contest. The questions this year will stem from the these four themes: US/Iran Relations, military recruitment methods, immigration, and the environment. The contest provides an opportunity for high school students to develop a greater understanding for the issue they choose within the context of an Anabaptist response to government. The 1,500–2,000 word essays must be postmarked by Nov. 30 and should be sent to the nearest MCC office. First prize is \$500. For more information visit our web site.