

## Military Resistance 9/18



**“Cole Said His Platoon Suffered Close To 30 Percent Casualties, Mostly From Bombs Hidden Around Its Patrol Base”**

**“The Only Shred Of Sanity That Keeps Us Going Out Here Is That I Have To Protect His Ass And He Has To Protect My Ass”**

**“They Can Fire At Us All Night If They Want, As Long As Nobody Gets Hurt”**

**“‘Thank You For Listening,’ He Said”**

**She continued: “His best friend is a triple amp (amputee) and another lost his life, he had not even been married a year. We kept in touch with his wife and she plans on being at the homecoming. There are no words that describe what families go through during a deployment. The days drag on when there is no phone call and your heart drops when there is an unexpected knock on the door.”**

Sep 26, 2011 By CHRISTOPHER TORCHIA - Associated Press

FORWARD OPERATING BASE JACKSON, Afghanistan (AP) —

An American in uniform stands near a landing zone at about 2 a.m., moonlight framing his features, and talks about dead and maimed men he knows.

His flight out isn't until next month, and he is counting the days.

Then he says he will miss Afghanistan.

“It's just life or death: the simplicity of it,” said Cpl. Robert Cole of the 1st Battalion, 5th Marine Regiment, which ends a seven-month deployment in the southern region of Sangin in October.

“It's also kind of nice in some ways because you don't have to worry about anything else in the world.”

The dominant narrative about war in a foreign land says its practitioners yearn for home, for the families, the comforts, and the luxury of no longer worrying about imminent death or injury. It applies to young American troops in Afghan combat zones, but it's not the whole truth.

Combat can deliver a sense of urgency, meaning, order and belonging. There is the adrenaline-fueled elation of a firefight, and the horror of rescuing a comrade wounded by a bomb on patrol.

It is magnified, instantaneous experience. An existence boiled down to the essentials mocks the mundane detritus, the quibbles and bill-paying and anonymity, of life back home.

Building on the costly inroads of a previous unit, the Marine battalion has seen a decline in Taliban attacks in Sangin, a southern Afghan area where the insurgency battled British forces to a stalemate for years. Now the troops have more time to build bridges and sluice gates, and sit cross-legged at meetings with Afghan elders in hopes of stripping the insurgency of popular support.

Early on, the going was hard.

Cole said his platoon suffered close to 30 percent casualties, mostly from bombs hidden around its patrol base.

He described how one Marine on patrol triggered a bomb that severed his legs. Another Marine rushed forward to apply tourniquets, knowing his friend would bleed to death if he methodically checked, as training dictated, for more boobytraps in his path. The second Marine started dragging the first toward safety when he set off another bomb, severing his own legs, according to Cole. But he saved his comrade in the process.

“He didn’t lose his legs for his country, he lost his legs for his brother,” Cole, of Klamath Falls, Oregon, said bluntly.

He gestured to another Marine in the dark at the landing zone at Forward Operating Base Jackson, the battalion’s headquarters.

“The only shred of sanity that keeps us going out here is that I have to protect his ass and he has to protect my ass,” said Cole, who is confined to the base after suffering concussions in two explosions.

Cole, 22, is not bitter. He treasures the fierce loyalty, born of bloodshed. Politics, the debate about the wisdom of the decade-long U.S. involvement in Afghanistan, the plan to withdraw international combat forces by the end of 2014, seem irrelevant to young Marines.

When they talk about friends with amputated limbs under treatment in the United States, they often stick to the line, “he’s doing really good right now,” even if they know that isn’t true.

“Get some!” is a Marine slogan, reflecting the U.S. military branch’s traditional taste for expeditionary action. On the night of Sept. 11, possibly to mark the 10th anniversary of the terror attacks in the United States, insurgents fired on guard posts at the Jackson camp. It was harassment, not a major attack. Marines returned fire in great volume, red tracer rounds plunging into the darkness.

“Watch your sectors!” warned a company captain as some Marines, adrenaline unleashed, broadened their sweep of fire from defensive berms. After a while, the shooting subsided.

One Marine was asked: Is it over?

“I have no clue,” he laughed. “They can fire at us all night if they want, as long as nobody gets hurt.”

At Patrol Base Fulod, about a 15-minute ride in an armored vehicle from the Jackson camp, Cpl. Ernest Tubbs is something special among his peers. He has discovered three-dozen hidden bombs on this deployment. A smooth talker who radiates confidence, he remembered the first time he uncovered an IED, or improvised explosive device, “heart racing, so many emotions at one time.”

Tubbs, 22, of Parsonsburg, Maryland, leads patrols with a metal detector, potentially the most dangerous job in the lineup. In a small victory celebration, he smokes a cigarette whenever he finds an IED; he smoked two in a row after one very hazardous experience.

He is desperate to return to his wife and newborn son, and become a civilian, but he won't forget what it is like to be a kind of savior, to know men depend on him for their lives.

"The feeling of when things happen out here, it's a feeling that you'll never get rid of. But it's a feeling that will always belong to you," he said. "There's no more adrenaline rush in the world than finding an IED. I'm going to miss that a bunch."

For families in the United States, there are no such thrills, only the grind of not knowing. Tubbs' wife, Hannah, gave birth to a boy, Gabe, last month. Her husband's oldest brother cut the umbilical cord. In an e-mail to The Associated Press, she wrote:

"Even when I was still pregnant with him I would tell him that his daddy loves him and can't wait to meet him. I tell him who his daddy is and all about him. Being pregnant for most of the deployment didn't help the emotional part of it all.

"It was hard getting ready for the baby without him. It was even harder to hear about guys who had been hurt or even killed knowing they did the same job as my son's father."

She continued: "His best friend is a triple amp (amputee) and another lost his life, he had not even been married a year. We kept in touch with his wife and she plans on being at the homecoming. There are no words that describe what families go through during a deployment. The days drag on when there is no phone call and your heart drops when there is an unexpected knock on the door."

Some transitions to home are the hardest of all.

Walking past cornfields on a patrol, 1st Lt. Richard Marcantonio of Corpus Christi, Texas, talked about a Marine who lost three limbs in a bombing and was transferred to a military hospital in the United States. One day, his father walked in and handed his son's baby to him as he lay in bed.

According to Marcantonio, the father said something like: "Here's your child. I'm not going to bring her up, so you better do it."

And, this story of tough love goes, the Marine is doing just that.

Some who come from rural areas in the United States feel a curious affinity with Afghanistan and its web of sparsely populated villages and farmland.

Capt. Brian Huysman of Delphos, Ohio — "Good luck finding Delphos on the map," he said — sees parallels between the "small town mentality" and rivalries back home and the jostling for advantage among local leaders in southern Afghan settlements.

"It's very eerie," said Huysman, Weapons Company commander for the battalion.

When these men are retired veterans, many will look back on Afghanistan as a place of loss, but also a place that made them better than they were, whether the U.S. military succeeds in its long-term goals or not. The cult of sacrifice finds expression in a shrine

to the missing in action of past wars in the dining hall at Camp Leatherneck, the main Marine base in southern Afghanistan.

There, an empty chair sits in front of a table laid with white cloth and a place setting for one. On the bread plate, a notice says, a slice of lemon symbolizes their “bitter fate,” and salt stands for families’ tears. There are dog tags and an inverted drinking glass.

Cole, the corporal at the landing zone, said that in his time in Sangin, he had seen Taliban fighters only once, in a treeline hundreds of yards (meters) away, too far to fire on them accurately.

Marines called for an air strike, but it was denied because there were children in the area. International forces have “rules of engagement” designed to avoid civilian casualties.

As Cole talked, the dark mass of an Osprey aircraft rumbled inward, its lights off to make it less of a target for insurgents. The back ramp was open, a tethered gunner at the edge with a mounted machine gun.

Dust and wind swirled, tossed up by churning rotors.

The courteous corporal pulled a departing passenger into a half-embrace.

“Thank you for listening,” he said.

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## **AFGHANISTAN WAR REPORTS**

### **Foreign Occupation “Servicemember” Killed Somewhere Or Other In Afghanistan: Nationality Not Announced**

September 28, 2011 AP

A foreign servicemember died following an insurgent attack in Wardak province located in eastern Afghanistan today.

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# Soldier From Birmingham Killed In Afghanistan Wanted To Serve His Country

September 19, 2011 By Kent Faulk -- The Birmingham News

BIRMINGHAM, Alabama -- A soldier from Birmingham, killed from gunfire in Afghanistan on Saturday, was described by a high school friend as a man with a sense of humor who wanted to serve his country.

Staff Sgt. Michael W. Hosey, 27, died in Uruzgan province, Afghanistan, of injuries suffered when insurgents attacked his unit using small arms fire, according to a Department of Defense statement. He was assigned to the 3rd Battalion, 1st Special Forces Group, Joint Base Lewis-McChord, Wash. No other soldiers were injured or killed in that attack, a military spokeswoman said.

Hosey has been posthumously awarded the Meritorious Service Medal, the Purple Heart and the Bronze Star Medal, according to the military's statement.

One former high school classmate said Hosey had a sense of humor.

"No matter how the class was going he could put a smile on your face," said Erin Kinnaird, who graduated with Hosey from Clay-Chalkville High School in 2001.

On days students were allowed to dress up in costumes in high school, Hosey would wear military uniforms, Kinnaird said. "He had always wanted to be in the military," she said.

Hosey, a 27-year-old native of Alabama, is survived by his mother Condi Hosey and father Michael Fred Hosey, according to the military's statement.

Hosey's parents declined comment today.

After graduating high school Hosey joined the Army in 2001 and became a communications intelligence specialist. After attending basic training at Fort Jackson, South Carolina, and then the Defense Language Institute, Foreign Language Center at the Presidio of Monterey in Monterey, California, He attended Advanced Individual Training at Goodfellow Air Force Base in San Angelo Texas.

Hosey's first duty assignment was with Company B, 304th Military Intelligence Battalion, 111th MI Brigade where he instructed officers in the MI Officer Basic Course and Officer Training Corps, in the proper deployment of a Signal Intelligence Company on the battlefield. He also worked with US Border Patrol in the emplacement of Remote Battlefield Sensor System for joint task forces.

In 2003, he was assigned to Fort Huachuca, Arizona, where he served as a communications intelligence specialist. In 2005, Hosey was assigned to Fort Lewis, Washington.

Hosey's military education included the Defense Language Institute-Korean, Warrior Leader Course, Airborne School, Survival Evasion Resistance Escape School, and the Advanced Leader Course.

His other awards and decorations included the Army Commendation Medal with two oak leaf clusters, the Army Achievement Medal with one oak leaf cluster, the Army Good Conduct Medal with bronze clasp (two Loops), the National Defense Service Medal, the Afghanistan Campaign Medal (with Campaign Star), the Iraq Campaign Medal (with Campaign Star), the Global War on Terror Service Medal, the Non-commissioned Officer Professional Development Ribbon with the Numeral 2, the Army Service Ribbon, and the North Atlantic Treaty Organization Medal.

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**While U.S. Troops Die:**

**Amnesty Program To Lure  
Fighters Away From The  
Taliban Does Nothing But  
Enrich Corrupt Afghan  
Politicians:**

**“Little More Than ‘A Wheeze To  
Channel Lots Of Money To  
Karzai’s Allies’”**

**“The Larger Part Of The \$139 Million  
Will Simply Disappear Into  
Afghanistan’s Patronage Machine”**

**“PTS Enriched Venal Officials, Did  
Nothing For Wannabe Defectors From  
The Taliban And Hardened Perceptions  
Of The Government As Corrupt”**

**“Other fighters — our former comrades — have called us to ask if the government’s providing any resources,” Nikzuman explains. “And if so, they say they’ll come over. We say: ‘Don’t bother.’ I get a call once or twice a month like that, from commanders of a hundred or 200 men.”**

Sept. 27, 2011 By Julius Cavendish, Khost and Kabul, Time Magazine [Excerpts]

About 18 months ago, Haji Ismail, an elderly government official in southeastern Afghanistan, received a letter from an old friend.

“Whether this peace process, which our elders are discussing with the government, succeeds or fails,” it read, “I want to come in.”

It was signed, with a blue-ink ballpoint pen, by Maulawi Sangeen — one of the Taliban’s most dangerous battlefield captains and a deputy to veteran jihadist Jalaluddin Haqqani, whose network is deemed America’s most virulent enemy in Afghanistan.

Not only was the erstwhile implacable jihadist seeking peace terms; he was also, if Ismail understood correctly, offering the release of the only U.S. soldier in Taliban captivity as part of the deal. “We have something that belongs to the Americans,” the letter said. “It is safe. And we will talk about this as well.”

The letter was written on a Taliban letterhead and was drafted in a faltering Pashto script. It was political dynamite.

The only problem with Ismail’s story is that it was also, according to analysts, an elaborate lie — part of “a long tradition” in Afghanistan of political fakery.

“I don’t see how you can reach any conclusion other than it’s a wheeze by Ismail to persuade someone to give him more money,” says Michael Semple, an academic and leading expert on the Taliban.

Ismail insists the letter is genuine. “I don’t lie,” he told TIME. “If I’m lying, then punish me, stone me.”

But others analysts concur with Semple, arguing that the last thing any senior insurgent trying to defect would do is provide signed evidence of his intentions to a garrulous local official.

**Instead, they reckon Ismail was trying to net a share of the \$139 million committed by donors to the Afghanistan Peace and Reintegration Program (APRP) — his letter materialized shortly after donors announced their pledges at the 2010 London conference.**

**APRP is a high-profile scheme aimed at wooing Taliban insurgents back into the fold. Many observers fear, however, that rather than supporting ex-combatants and their host communities with material help, the larger part of the \$139 million will simply disappear into Afghanistan’s patronage machine.**



Concerns over the state of reconciliation efforts have been amplified by last week's assassination of Burhanuddin Rabbani, the government's designated negotiator with the Taliban.

**Although his High Peace Council has recorded little tangible progress either in talks with the Taliban leadership or in grassroots efforts to reintegrate the movement's rank-and-file fighters, the running costs for its joint secretariat stood at \$2.3 million as of June 30, while a further \$1.5 million had gone to APRP cells within government ministries.**

**By contrast, spending on reintegrating former Taliban fighters stood at \$150,000.**

To some minds, the APRP itself is little more than "a wheeze to channel lots of money to Karzai's allies," as Semple puts it.

"And if you're looking for more evidence of this, your Haji Ismail is a pretty good example ... The purpose of this program is not to provide assistance to those who need to have another way of life, another option, another choice. It's a sop to the donors (and) a way of rewarding all those people who are already on the inside and are well connected to those in power — and that's the way the serious Taliban view it."

Cynical as that may sound, it's worth thinking back to previous peace initiatives in Afghanistan.

Maulawi Mohammad Sardar Zadran, a former commander who went over to the government in the early days of the Karzai regime, helped run APRP's predecessor, known as PTS.

**One day, he told TIME, "I received a call from the head of the PTS in Kabul who told me to bring in 30 to 35 Taliban. I said: 'I can't, it takes time, it's not so easy.' They told me to bring in shopkeepers with beards. I told them that was fraudulent (so) they threatened me, said they would cut my salary. (Then) they dismissed me."**

**Across the country, PTS enriched venal officials, did nothing for wannabe defectors from the Taliban and hardened perceptions of the government as corrupt, feckless and insincere.**

**As one Afghan official put it: "PTS was a fiasco."**

**"Money given by the international community is not getting through," says Thomas Ruttig of the Afghanistan Analysts Network.**

In gloomy guesthouses across Afghanistan, you can find the collateral damage of this slow, deliberate approach.

**One afternoon in the southeastern city of Khost, TIME stumbles on three brothers pining for their days with the Pakistani Taliban.**

**"Life was good," says Nikzuman, a slight 22-year-old with high cheekbones, an engaging smile and wistfulness beyond his years. "Among the militants we had**

**pickups, weapons, enough money, everything ... But when we reintegrated with the Afghan government, we lost everything.”**

The brothers can't return to the property their parents abandoned during the Soviet invasion of the 1980s for fear their neighbors will sell them out to the Taliban — who have threatened to kill them. So, jobless and outcast, they live on the graces of a family friend.

**“Other fighters — our former comrades — have called us to ask if the government's providing any resources,” Nikzuman explains. “And if so, they say they'll come over. We say: ‘Don't bother.’ I get a call once or twice a month like that, from commanders of a hundred or 200 men.”**

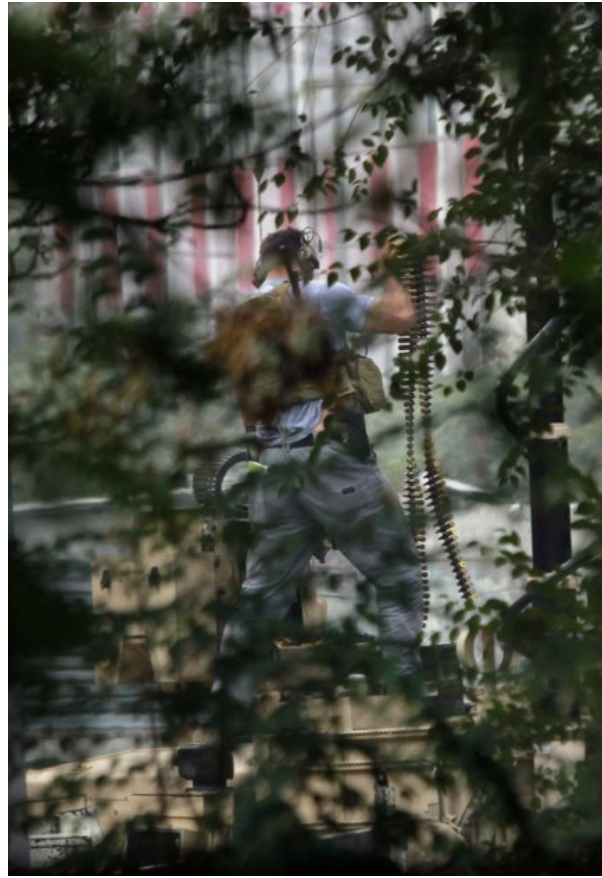
He pulls his woolen cloak tighter and leans back into the gathering shadows, settling in for the night.

**IF YOU DON'T LIKE THE RESISTANCE  
END THE OCCUPATIONS**

**THIS ENVIRONMENT IS HAZARDOUS TO YOUR  
HEALTH;  
ALL HOME, NOW**



Soldiers with the U.S. Army's Bravo Company of the 25th Infantry Division, 3rd Brigade Combat Team, 2nd Battalion 27th Infantry Regiment, based in Schofield Barracks, Hawaii, fire a 120mm high explosive mortar round to support an Afghan outpost under attack by insurgents Sept. 14, 2011 at Combat Outpost Monti in Kunar province, Afghanistan. (AP Photo/David Goldman)...



A U.S. soldier adjusts a belt of bullets during a gun battle with the Taliban militants in Kabul, Afghanistan on Wednesday Sept. 14, 2011. (AP Photo/Musadeq Sadeq)...

**NEED SOME TRUTH?  
CHECK OUT TRAVELING SOLDIER**  
<http://www.traveling-soldier.org/>

**Traveling Soldier is the publication of the Military Resistance Organization.**

**Telling the truth - about the occupations or the criminals running the government in Washington - is the first reason for Traveling Soldier. But we want to do more than tell the truth; we want to report on the resistance to Imperial wars and all other forms of injustice inside the armed forces.**

**Our goal is for Traveling Soldier to become the thread that ties enlisted troops inside the armed services together.**

**We want this newsletter to be a weapon to help organize resistance within the armed forces. We hope that you'll build a network of active duty organizers.**

## MILITARY NEWS

### **THIS IS HOW OBAMA BRINGS THEM HOME: ALL HOME NOW, ALIVE**

ARLINGTON, VA - SEPTEMBER 14: The casket of U.S. Army Spc. Douglas J. Green during a full honors burial service at Arlington National Cemetery in Arlington, Virginia. Spc. Green, who was from Sterling, Virginia, was killed in Kandahar province in Afghanistan when insurgents attacked his unit using an improvised explosive device.



(Photo by Mark Wilson/Getty Images)



(AP Photo/Manuel Balce Ceneta)



(Photo by Mark Wilson/Getty Images)

**“The single largest failure of the anti-war movement at this point is the lack of outreach to the troops.”**  
**Tim Goodrich, Iraq Veterans Against The War**

**“The Biggest Loss Is The Loss  
Of The Man I Married”**

**“His Body’s Here, But His Mind Is  
Not Here Anymore”**

**“I See Glimpses Of Him, But He’s Not  
Who He Was”**

**“They Question Whether They Can  
Endure The Potential Strain Of Years, Or  
Even Decades, Of Care”**



April Marcum has joined a community of spouses, parents and partners who drop most everything in their lives to care for injured loved ones returning from war. Photo: Sarah Beth Glicksteen for The New York Times

[Thanks to Clancy Sigal, who sent this in.]

**One of the most frustrating aspects of life now, they say, is the bureaucracy they face at the Department of Defense and the Department of Veterans Affairs, from problems with the scheduling of medical appointments to being bounced around among different branches of the system, forcing them to become navigators and advocates for their loved ones.**

September 27, 2011 By CATRIN EINHORN [Excerpts]

RAY CITY, Ga. — April and Tom Marcum were high school sweethearts who married after graduation.

For years, she recalls, he was a doting husband who would leave love notes for her to discover on the computer or in her purse. Now the closest thing to notes that they exchange are the reminders she set up on his cellphone that direct him to take his medicine four times a day.

He usually ignores them, and she ends up having to make him do it.

Since Mr. Marcum came back in 2008 from two tours in Iraq with a traumatic brain injury and post-traumatic stress disorder, his wife has quit her job as a teacher to care for him.

She has watched their life savings drain away.

And she has had to adjust to an entirely new relationship with her husband, who faces a range of debilitating problems including short-term memory loss and difficulties with impulse control and anger.

“The biggest loss is the loss of the man I married,” Ms. Marcum said, describing her husband now as disconnected on the best days, violent on the worst ones. “His body’s here, but his mind is not here anymore. I see glimpses of him, but he’s not who he was.”

Ms. Marcum has joined a growing community of spouses, parents and partners who, confronted with damaged loved ones returning from war who can no longer do for themselves, drop most everything in their own lives to care for them.

Jobs, hobbies, friends, even parental obligations to young children fall by the wayside. Families go through savings and older parents dip into retirement funds.

The new lives take a searing toll.

Many of the caregivers report feeling anxious, depressed or exhausted. They gain weight and experience health problems. On their now-frequent trips to the pharmacy, they increasingly have to pick up prescriptions for themselves as well.

While taking comfort that their loved ones came home at all, they question whether they can endure the potential strain of years, or even decades, of care.

“I’ve packed my bags, I’ve called my parents and said I’m coming home,” said Andrea Sawyer, whose husband has been suicidal since returning from Iraq with post-traumatic stress disorder. “But I don’t. I haven’t ever physically walked out of the house.”

Those attending to the most severely wounded must help their spouses or adult children with the most basic daily functions. Others, like Ms. Marcum, act as safety monitors, keeping loved ones from putting themselves in danger. They drive them to endless medical appointments and administer complicated medication regimens.

**One of the most frustrating aspects of life now, they say, is the bureaucracy they face at the Department of Defense and the Department of Veterans Affairs, from problems with the scheduling of medical appointments to being bounced around among different branches of the system, forcing them to become navigators and advocates for their loved ones.**

A variety of care services are offered to the severely injured. But many family members do not want their loved ones in nursing homes and find home health services often unsatisfactory or unavailable.

Despite Ms. Marcum’s cheerful manner and easy laugh, she has started taking antidepressants and an anti-anxiety medication when needed. She has developed hypertension, takes steroids for a bronchial ailment that may be stress related and wears braces to relieve a jaw problem.

“I just saw all of my dreams kind of vanishing,” she said.

Over the past few years, advocacy organizations like the Wounded Warrior Project lobbied Congress to enact a law providing direct financial compensation and other benefits to family caregivers of service members. In 2010 they succeeded, and by mid-September, the veterans agency had approved 1,222 applications, with average monthly

stipends of \$1,600 to \$1,800. Caregivers can also receive health insurance and counseling.

While families express deep gratitude for the help, questions remain about who will qualify and how compensation is determined, advocates for veterans say.

Furthermore, the law applies only to caregivers of service members injured in the line of duty on or after Sept. 11, 2001, eliminating help for thousands who served in earlier conflicts.

And the emotional strain is still palpable as families struggle to adjust to what many call their “new normal.”

In a reversal of the classic situation in which adult children help out ailing parents, a substantial number of the caregivers of post- Sept. 11 service members are parents caring for their adult children.

Rosie Babin, 51, was managing an accounting office when a bullet tore through her son Alan’s abdomen in 2003.

She and her husband rushed to Walter Reed Army Medical Center and stayed at his side when Alan, then 22, arrived from Iraq. He lost 90 percent of his stomach and part of his pancreas.

His kidneys shut down and he had a stroke, leaving him with brain damage. He eventually underwent more than 70 operations and spent two years in hospitals, his mother said.

Ms. Babin fought efforts by the military to put her son in a nursing home, insisting that he go into a rehabilitation facility instead, and then managed to care for him at home.

But since her son’s injuries, her doctor has put her on blood pressure medication and sleeping pills. Now, while deeply grateful for her son’s remarkable recovery — he gets around in a wheelchair and has regained some speech — she sadly remembers the days when she looked forward to travel and dance lessons with her husband. Instead, she helps Alan get in and out of bed, use the bathroom and shower.

“I felt like I went from this high-energy, force-to-be-reckoned-with businesswoman,” she said, “to a casualty of war. And I was working furiously at not feeling like a victim of war.”

Research on the caregivers of service members from the post-Sept. 11 era is just beginning, said Joan M. Griffin, a research investigator with the Minneapolis V.A. Health Care System who is leading one such study.

(The V.A. estimates that 3,000 families will benefit from the new caregiver program; 92 percent of the caregivers approved so far are women.)

Ms. Griffin’s research shows that many family members spend more than 40 hours a week providing care. Half feel that they do not have a choice. “They feel stuck,” Ms. Griffin said.



For Ms. Marcum, 37 — who has an 18-year marriage and two sons, ages 14 and 11, with Tom, 36 — there was never a question of leaving. “I’m his wife and it’s my job, whether he’s hurt or not, to make sure he’s O.K.,” she said.

When she first asked for a leave of absence from work to care for him, she expected it would be for just a few weeks, while doctors got to the bottom of the migraines keeping him in bed for days on end.

When he was up, he often seemed confused and sometimes slurred his speech. After 12 years in the Air Force, where he worked as a weapons specialist, he was suddenly having trouble taking a phone message or driving home from the base.

Mr. Marcum, who endured several mortar attacks in Iraq, one of which knocked him unconscious, eventually was given diagnoses of traumatic brain injury and post-traumatic stress disorder.

“My wife, I would imagine, probably felt as if she was a single parent for a while,” said Mr. Marcum, who is now medically retired from the Air Force. “She had to raise two boys. And now at times she probably thinks that she’s raising three boys,” he added with a laugh.

Ms. Marcum has found relief at a weekend retreat for military wives in her situation, and on a private Facebook page where caregivers vent, offer emotional support and swap practical advice.

Participants say online communities like these are often more supportive than their extended families, who sometimes retreat in the face of such overwhelming change.

Financially, at least, things are looking up for the Marcum family.

Ms. Marcum was awarded the highest tier of coverage through the veterans agency’s new caregiver program, giving her a monthly stipend of \$1,837.

Physical, occupational and speech therapy have all helped Mr. Marcum improve, but she worries that his progress has plateaued.

“We kind of have been in the same spot for a while,” Ms. Marcum said.

As proud as she is of her husband’s service, Ms. Marcum feels guilty that neither of them now works, and hopes that one day she will again hold down a job, while continuing to care for him.

She pictures herself working somewhere relaxed, like a Hallmark store, where she could chat with people and help them with cards and gifts.

It would be an escape, she said, from the stress at home.

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## DANGER: POLITICIANS AT WORK



### **Troops Invited:**

Comments, arguments, articles, and letters from service men and women, and veterans, are especially welcome. Write to Box 126, 2576 Broadway, New York, N.Y. 10025-5657 or email [contact@militaryproject.org](mailto:contact@militaryproject.org): Name, I.D., withheld unless you request publication. Same address to unsubscribe.

**The U.S. Government Sending  
More People To Prison Who  
Have No Idea They Have Broken  
Any Law:**

**Man Gets 15 Years In Prison For  
Having One Bullet In A Box In His  
Apartment:**

# **“What Once Might Have Been Considered Simply A Mistake Is Now Sometimes Punishable By Jail Time”**

## **“New Law Can Hold Animal-Rights Activists Criminally Responsible For Protests That Cause The Target Of Their Attention To Be Fearful, Regardless Of The Protesters’ Intentions”**

SEPTEMBER 27, 2011 By GARY FIELDS And JOHN R. EMSHWILLER, Wall Street Journal [Excerpts]

For centuries, a bedrock principle of criminal law has held that people must know they are doing something wrong before they can be found guilty. The concept is known as mens rea, Latin for a “guilty mind.”

This legal protection is now being eroded as the U.S. federal criminal code dramatically swells.

In recent decades, Congress has repeatedly crafted laws that weaken or disregard the notion of criminal intent.

Today not only are there thousands more criminal laws than before, but it is easier to fall afoul of them.

As a result, what once might have been considered simply a mistake is now sometimes punishable by jail time.

When the police came to Wade Martin’s home in Sitka, Alaska, in 2003, he says he had no idea why.

Under an exemption to the Marine Mammal Protection Act, coastal Native Alaskans such as Mr. Martin are allowed to trap and hunt species that others can’t. That included the 10 sea otters he had recently sold for \$50 apiece.

Mr. Martin, 50 years old, readily admitted making the sale. “Then, they told me the buyer wasn’t a native,” he recalls.

The law requires that animals sold to non-Native Alaskans be converted into handicrafts. He knew the law, Mr. Martin said, and he had thought the buyer was Native Alaskan.

He pleaded guilty in 2008.

**The government didn't have to prove he knew his conduct was illegal, his lawyer told him. They merely had to show he had made the sale.**

"I was thinking, damn, my life's over," Mr. Martin says.

Federal magistrate Judge John Roberts gave him two years' probation and a \$1,000 fine. He told the trapper: "You're responsible for the actions that you take."

Mr. Martin now asks customers to prove their heritage and residency.

"You get real smart after they come to your house and arrest you and make you feel like Charles Manson," he says.

The U.S. Attorney's office in Alaska didn't respond to requests for comment.

**Back in 1790, the first federal criminal law passed by Congress listed fewer than 20 federal crimes. Today there are an estimated 4,500 crimes in federal statutes, plus thousands more embedded in federal regulations, many of which have been added to the penal code since the 1970s.**

**One controversial new law can hold animal-rights activists criminally responsible for protests that cause the target of their attention to be fearful, regardless of the protesters' intentions.**

Congress passed the law in 2006 with only about a half-dozen of the 535 members voting on it.

**Under English common law principles, most U.S. criminal statutes traditionally required prosecutors not only to prove that defendants committed a bad act, but also that they also had bad intentions.**

**In a theft, don't merely show that the accused took someone's property, but also show that he or she knew it belonged to someone else.**

Over time, lawmakers have devised a sliding scale for different crimes. For instance, a "willful" violation is among the toughest to prove.

**Requiring the government to prove a willful violation is "a big protection for all of us," says Andrew Weissmann, a New York attorney who for a time ran the Justice Department's criminal investigation of Enron Corp.**

Generally speaking in criminal law, he says, willful means "you have the specific intent to violate the law."

A lower threshold, attorneys say, involves proving that someone "knowingly" violated the law. It can be easier to fall afoul of the law under these terms.

**In one case, Gary Hancock of Flagstaff, Ariz., was found guilty in 1999 of violating a federal law prohibiting people with a misdemeanor domestic violence record from gun ownership.**

**At the time of his domestic-violence convictions in the early 1990s, the statute didn't exist — but later it was applied to him.**

**He hadn't been told of the new law, and he still owned guns.**

**Mr. Hancock was convicted and sentenced to five years' probation.**

**His lawyer, Jane McClellan, says prosecutors "did not have to prove he knew about the law. They only had to prove that he knew he had guns."**

Upholding the conviction, a federal appellate court said that "the requirement of 'knowing' conduct refers to knowledge of possession, rather than knowledge of the legal consequences of possession." **[And that idiotic argument is simply the justification for sending anybody and everybody to prison anytime the government wishes to do so. T]**

In 1998, Dane A. Yirkovsky, a Cedar Rapids, Iowa, man with an extensive criminal record, was back in school pursuing a high-school diploma and working as a drywall installer.

While doing some remodeling work, Mr. Yirkovsky found a .22 caliber bullet underneath a carpet, according to court documents. He put it in a box in his room, the records show.

A few months later, local police found the bullet during a search of his apartment. State officials didn't charge him with wrongdoing, but federal officials contended that possessing even one bullet violated a federal law prohibiting felons from having firearms.

**Mr. Yirkovsky pleaded guilty to having the bullet.**

**He received a congressionally mandated 15-year prison sentence, which a federal appeals court upheld but called "an extreme penalty under the facts as presented to this court." Mr. Yirkovsky is due to be released in May 2013.**

Overall, more than 40% of nonviolent offenses created or amended during two recent Congresses—the 109th and the 111th, the latter of which ran through last year—had "weak" mens rea requirements at best, according to a study conducted by the conservative Heritage Foundation and the National Association of Criminal Defense Lawyers.

Earlier this year, Justice Antonin Scalia, in a dissent from a Supreme Court decision upholding a firearms-related conviction, wrote that Congress "puts forth an ever-increasing volume" of imprecise criminal laws and criticized lawmakers for passing too much "fuzzy, leave-the-details-to-be-sorted-out-by-the-courts" legislation.

Lawmakers on both sides of the aisle worry about the weakening of mens rea. "Over my six years in Congress there have been many times when in discussions with members of Congress I say, 'Look, I know you want to show people how serious you are about crime, but don't put anything on the books that doesn't require criminal intent,'" says Rep. Louie Gohmert, (R., Tex.) a former state judge who wants the federal system reworked.

**In a 2009 Judiciary subcommittee hearing on the growth of federal criminal law, Rep. Bobby Scott (D., Va.), said that mens rea had long served “an important role in protecting those who do not intend to commit wrongful or criminal acts from prosecution and conviction.”**

The growing number of federal laws with weakened mens rea safeguards is making the venerable legal principle that ignorance of the law is no defense a much riskier proposition for people.

That principle made sense, says University of Virginia law professor Anne Coughlin, when there were fewer criminal laws, like murder, and most people could be expected to know them.

**But when legislators “criminalize everything under the sun,” Ms. Coughlin says, it’s unrealistic to expect citizens to be fully informed about the penal code.”**

**With reduced intent requirements “suddenly it opens a whole lot of people to being potential violators.”**

### **Guilty Of Freeing A Whale From A Fishing Net**

When a humpback whale got tangled in his fishing-boat net in 2008, Robert Eldridge Jr., a commercial fisherman, says he had one overriding thought: free it.

He freed the whale, although it swam away with 30 feet of his net still attached.

A few weeks later, he was charged with harassing an endangered species and a marine mammal.

Under federal law, Mr. Eldridge was supposed to contact authorities who would send someone trained to rescue the animal. The law is designed to prevent unskilled people from accidentally injuring or killing a whale while trying to release it.

Mr. Eldridge says he was fully aware of the federal Marine Animal Disentanglement Hotline for summoning a rescuer.

But “it didn’t cross my mind to do anything but keep it alive. I thought I was doing the right thing,” the Massachusetts fisherman said.

There were two federal observers aboard his boat that day, performing routine checks, who reported the incident, according to court documents. Mr. Eldridge’s potential sentence was one year in jail and a \$100,000 fine.

Mr. Eldridge, 42, pleaded guilty and has a misdemeanor on his record. He was fined \$500 and ordered to write a warning letter to other fishermen to look out for whales.

“I’m just glad it’s done,” he said of the case.

Asked for comment, a Justice spokeswoman referred to Mr. Eldridge's guilty plea, in which he admitted knowing the procedure and having the hotline number posted on his boat at the time of the incident.

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Telling the truth - about the occupations or the criminals running the government in Washington - is the first reason for Traveling Soldier. But we want to do more than tell the truth; we want to report on the resistance to Imperial wars and all other forms of injustice inside the armed forces.

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**“If Pakistan Had Never Allied  
With The United States, Malik  
Surmised, Bombings Such As  
The One That Killed His  
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**“The Government Is Siding With  
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**“I Have Read That Americans Are  
Peace-Loving. But Their Government  
Has Interfered In Every Country.  
Why?”**

**“Majorities View The United States, With  
Its Campaign Of Frequent Drone Strikes  
In Pakistan’s Tribal Areas, As An  
Enemy”**

September 26 By Karin Brulliard, The Washington Post [Excerpts]

ISLAMABAD, Pakistan — Muhammad Irfan Malik is a banker, and he relies on numbers to tell the story of his daughter’s death.

She was 17 years and 2 months old, a college student who had scored 800 out of 850 on high school graduation exams. On Oct. 20, 2009, she was with classmates in her university cafeteria when a bomber detonated explosives that launched 46 ball bearings into her body.

She died 43 days later, leaving her family to suffer incalculable grief.

But when casting blame, Malik turns to an equation that is common here — one that Pakistani officials often cite to explain why their country remains reluctant to fully confront Islamist militants despite acute pressure from the United States.

**Since 2001, when Islamabad partnered with Washington to combat the Taliban and al-Qaeda, there have been 335 suicide bombings in Pakistan. Before 2001, there was one.**

**If Pakistan had never allied with the United States, Malik surmised, bombings such as the one that killed his daughter might never have occurred.**

**“The government is siding with the United States,” Malik said, his eyes damp. “The people are not.”**

“I have become so unsafe that sometimes I think I should have my family leave Pakistan,” said Hamid Mir, a popular television host, explaining the view of many Pakistanis.

“Why is that? It is because of the American policies in Pakistan.”



A recent Pew Research Center survey found that a large majority of Pakistanis consider suicide bombings unjustifiable. But majorities also view the United States, with its campaign of frequent drone strikes in Pakistan's tribal areas, as an enemy.

Among those killed was Amna Batool, 20, an English student and theater enthusiast who asked her father how she looked before leaving for school that morning.

Syed Zubair Ashraf, 58, next saw her at the hospital, her skull ravaged by what he describes as "ball bearings and nails and other dirty materials." Her death four days later left Ashraf, an editor of an Urdu research journal, without the will to write.

Ashraf has watched in recent years as blast walls and metal detectors sprouted across Islamabad, a sleepy capital city that once seemed immune from violence.

Now, Ashraf said, it feels besieged by spies, and he cannot help but think that the U.S. presence in the region is fueling the attacks, not stopping them.

"I have read that Americans are peace-loving. But their government has interfered in every country. Why?" Ashraf said.

Muhammad Irfan Malik said his family remains "broken" two years after the bombing.

He requested a transfer to a busier bank branch, to help distract him from his grief. His wife does not discuss Aqsa's death at home, nor does she touch her late daughter's belongings.

Their three surviving children wanted to go to a park for the recent Muslim holiday of Eid, but Malik said such an activity is not safe in present-day Pakistan.

The family applied for compensation from the government, Malik said, but received no response. He never expected answers from the police.

**"We feel that her martyrdom was in vain," he said of Aqsa. "On the other hand, where can we go? At whose door can we seek justice?"**

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