

"Soldier, you will go to Iraq!"

by Annick Cojean

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(Translation is by Julie Wornan, an American Voices Abroad member who lives in France.)

This is the story of a man lost in a bogged-down army. The story of a sincere and trusting young man who signed up for a career in the military hoping for status, a profession and a future, and learned, to his horror, that he'd made a grave mistake. The story of an idealist who was incapable of aiming a weapon at another man, but was sent to Iraq nevertheless, and had so much respect for his adopted country that he didn't even dream of deserting. The story of a soldier who didn't want to be a soldier any more and now finds himself in prison in an American base in Germany awaiting court-martial.

Did the US Army want to make an example of this man? Its determination to hold onto the soldier Aguayo would seem to indicate that it is stiffening position in respect to "rebels" and is showing real concern over the loss or desertion of its men. "According to the Pentagon", writes Air Force Times magazine, "40,000 soldiers have deserted since 2000". The army alone estimates that 1.1 % of its troops have deserted. The GI Rights Hotline was receiving one or two calls per week just after September 11, 2001, but now says it gets more than 3,000 calls a month.

Agustin Aguayo, 34, is a statuesque man with a baby face and very gentle eyes. Born in Mexico, he arrived with his family in California at age 3, and from that moment has always strived to be a perfect American. He received US citizenship in 1998. At that time he was already married to Helga, a young woman born in Guatemala, and had two small daughters, twins, aged 11 now.

Agustín was ambitious, he wanted to get ahead. Even before graduating from High School, he had held three jobs. Then he worked in a bank for ten years, but he felt he felt unsatisfied - he wanted to do something more meaningful. His wife was finding professional fulfillment working with AIDS victims. He too wanted to help people, to be useful, to do something more worthwhile than an ordinary job. He took evening classes, got a commercial degree, looked around for a springboard to a career and thought he found it in the army. The recruiting officer was extremely convincing. Bonuses, promises of loans and scholarships, an attractive health insurance policy, training. (Agustin wanted to be a male nurse and hoped to be able to afford medical school after completing his 4-year active service contract). The advantages were endless, and the Aguayo family would enjoy exceptional financial security. To which was added a psychological argument: altruism and defending democracy.

So Agustin enlisted. Soon he was in training camp. This was toward the end of 2002, and the Aguayo family had never imagined deployment to a combat zone. "This may be hard to believe", says Helga, "but, like most Americans, we didn't read the papers! Such irresponsibility, such indifference to our army's wars, it's terrible".

Agustin's doubts begin in training camp. "The first time I held an M-16, I was filled with guilt. Feeling the weight of that killing machine just overwhelmed me". Shooting practice on silhouettes in human form, stabbing dummies, made him ill. He wondered whether he belonged in the army. When war was declared on Iraq in March 2003, he was dumbfounded to learn that even medics had to be armed and obey orders to kill.

Three months later, he leaves for Germany. His unit; the first infantry division, is stationed in Schweinfurt. About 67,000 US soldiers and some 80,000 members of their families are housed in 73 camps in Germany, rear bases for deployment in the Middle East. Although his wife and daughters are with him, Agustin feels trapped. He doesn't want to do combat, he doesn't want to kill, he's against war, all wars; he will never raise a weapon against anybody.

Helga is worried about her husband's growing uneasiness. She looks about desperately for help, some idea, some solution. She tries typing a few phrases on Google like "leave the army", "refuse to go to Iraq". She finds the GI Rights Hotline in California, a telephone line run by several pacifist groups. And eventually discovers MCN (Military Counseling Network*), an organization linked to the Mennonite Church, devoted to advising soldiers based in Germany who want to leave the army by legal means. The Aguayos are no longer alone.

Conscientious Objection is recognized by the army. It's immediately clear that this is the most appropriate basis for Agustin to obtain dismissal. But the process is very demanding. The soldier must prove that he is opposed to all wars due to deeply-held moral, ethical, or religious beliefs. He must explain his profound motivation and what caused him to change after he enlisted. There's a long interview with a psychiatrist, a military chaplain, and an investigating officer who will then make a report to the commanding officer, who will give his verdict.

Michael Sharp, the young volunteer who directs the MCN office near Heidelberg, says, "This is the hardest way to get out of the army. A CO applicant must be totally sincere and very courageous. It's not the best way to make friends! Candidates have been hassled, beaten, raped, humiliated, called traitors, assigned to fatigue duty. Because they are questioning the very existence of the army, their daily environment turns hostile. Frankly, for someone who just wants to get out, there are simpler ways - desert, take drugs and get caught, pretend to be gay."

But Agustin doesn't even consider lying. He wants an "honorable" discharge. Although the number of soldiers requesting CO status has more than quadrupled since 2000, it remains very small. Of the several hundred potential candidates for CO status, only 188 have actually filed a request between 2003 and 2005, and only 87 have been accepted. This figure tells nothing about the number of preliminary requests made to a dismissive commanding officer, the forms lost by the administration, the retaliatory measures. "You have to know exactly what your rights are", says Michael Sharp. "Threaten to tell a member of Congress, make a new request, .".

In fact, Agustin's commanding officer refuses to even glance at the file he has prepared. "You can apply in Iraq!" he tells him. And so, in February of 2004, Agustin is flown to Tikrit, Saddam Hussein's home town. He doesn't know that a CO request filed from a combat zone looks much more suspicious! Still, he doesn't waste a moment. The chaplain and the psychiatrist who see him decide that he is sincere. The investigating officer is impressed by the statements of witnesses to Agustin's pacifism, and recommends dismissal.

Agustin, meanwhile, continues to work as a medic, and is alarmed by what he sees. US soldiers and Iraqis die in his arms. "I saw men come back with missing parts and innumerable wounds, both physical and psychological. I saw my buddies come back intending to commit suicide, drink themselves to death or lose themselves in drugs. I saw how we dehumanize the Iraqis and wipe out innocent people. What idiocy! My conviction that all war is absurd and harmful was stronger than ever." When Agustin goes on patrol or does guard duty, he never loads his weapon. His buddies can't believe their eyes. "How can anyone doubt the sincerity of a guy crazy enough to do that in Iraq?", says Michael Sharp, amazed.

And yet, at the end of August, 2004, the military bureaucracy denies him Conscientious Objector status. It's a terrible blow. "When they told me, No, you're not a conscientious objector to war, they were denying my conscience. It was like saying to someone, "You're not a Catholic," or "You're not a Jew." His wife and several pacifist organizations launch a fundraising campaign to get legal help to bring his case before a civil court.

Upon his return to Germany after a year in Iraq, Agustin's hopes rise again. The army agrees to review his case. But alas, the initial verdict is confirmed. His lawyers then turn to the civilian tribunal of the District of Columbia to appeal the army's verdict. In vain. Agustin learns of his failure on August 24, 2006. On the same day, the army imposes a severe punishment on him under Article 15 - a fine and an extension of his term of service, for having refused to carry a weapon during training.

His lawyers take the case to the federal court, but are unable to get the appeal suspensive, while a new deployment to Iraq is scheduled for September 1st. This will mean departure for over a year because of the "Stop loss" order by which the army unilaterally compels soldiers to remain in service beyond their contractually agreed-upon term. Agustin's term of service is extended by a year! Christian Rieker, Agustin's lawyer in Germany, says, "In Europe, such a practice would be considered a human rights violation. What hypocrisy to talk about a 'volunteer army'!"

Agustin is desperate. He tells his superior officers that nothing will make him go to war. On September 1st, when his unit takes a bus to the plane for Iraq, Agustin is not among them. The next day, in civilian dress, he goes to the military police to turn himself in and face court martial. But the army will not accept this, and intends to force him onto another flight for Iraq.

Agustin can't believe his ears. "You're a soldier, do you hear?" a captain shouts, "You will go to Iraq!" "Never", replies Agustin. He's ordered to go home and collect his things. A captain and a sergeant go with him. "You'll go - even if you have to go in hand-cuffs!" They wait in the living room

while he goes into the bedroom to get his things.

After fifteen minutes, the captain grows impatient. What the devil is he doing? Helga goes to see. The bedroom window is wide open. "He's gone!" she shouts. The soldiers come running, search the apartment, rush outside. Too late. Agustin jumped and ran, ran like mad right out of the camp. The guards who saw him go by didn't even have time to understand what was happening. He was gone.

Where could he find refuge? Christian Rieker sighs, "Those European countries that were so quick to declare the war on Iraq to be illegal would do well to welcome those who refuse to fight it. Where are France, Spain and Germany for poor guys like Agustin? Why don't they grant refugee status to conscientious objectors, as some members of the European Parliament have proposed?"

Luckily, Agustin had his supporters. Civilians helped him, hid him, gave him clothing, got him a passport and a plane ticket for . Mexico City. From there, he made his way discretely to California. Where he made a public re-appearance on September 26th.

Why did he return 24 days after his disappearance and not 30? Because he would have been removed from the army's list and labeled a deserter. Which Agustin has always refused to be, ever careful to remain within the framework of the army's rules. So, on September 26th, solemn and wearing a tie, he makes his appearance in a little church in Los Angeles and announces that he intends to turn himself in. "I've always been a good citizen. I never imagined that I would go to this extreme. There will be heavy consequences for me and my family. But I take the responsibility for my position as a conscientious objector. I choose prison rather than war." After making a brief declaration, he makes his way to Fort Irving, where he had enlisted four years ago.

Would he face a court-martial as his lawyers hoped? Or would he be transferred to Germany, or even Kuwait or Iraq? Early in the morning of October 3rd, in uniform, his handcuffs hidden by a coat, he lands in the airport in Frankfurt surrounded by soldiers from his unit who have come to escort him back to the base in Mannheim, where he is now imprisoned.

"His unit is fighting in Iraq under dreadful conditions and needs every man", says Major Wayne Marotto, spokesman for the 1st Division. "We've had combat deaths and a lot of wounded. A medic who deserts puts all the soldiers at risk. No volunteer army can afford weakness in its ranks. Desertion is a crime, and is still punishable by the death penalty in wartime. It's up to his unit commander to decide his fate."

While thousands of deserters are hiding in the US and hundreds have fled to Canada, Agustin Aguayo, the pacifist, risks years of prison in Germany.