

Apartheid-justice in America; Krugal vs. Padilla

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In the three years that Jose Padilla has been locked away in solitary confinement, the government has been unable to cobble together enough evidence to even charge him with a crime. They have nothing on him, just the ever-changing claims of a Justice Dept that shows as much respect for justice as it does for personal liberty.

Originally, John Ashcroft claimed that Padilla was a “dirty bomber”; a new category of terrorist who planned to detonate nuclear material within the US. Two years later, this spurious charge was completely changed to allegations that Padilla was planning to blow up apartment buildings with natural gas lines. Just recently, the government modified their story again, saying that Padilla was “on the battlefield” in Afghanistan making him an enemy combatant. This last twist of the story came in response to an earlier ruling (*Hamdi vs. Rumsfeld*) which allows the government to indefinitely detain any American citizen “picked up off the battlefield” while fighting the US.

It’s a fabrication, of course, but the DOJ doesn’t mind the sloppiness of their deception as long as their goals are achieved; in this case, the permanent imprisonment of an American Muslim.

The Padilla case is of particular interest now that we have a genuine case of domestic terrorism we can use for comparison.

Last week, Earl Krugel was sentenced to 20 years in prison for his role in plot to bomb a mosque and a Lebanese-American congressman’s office. Krugel was an active member in the Jewish Defense League (JDL), a radical Jewish organization founded by Rabbi Meir

Kahane who “advocated the forceful removal of Arabs from Israel”. The JDL received considerable negative attention in 1994 when one of its members, Baruch Goldstein, went on a shooting-spree in a mosque in Hebron killing 29 Muslim worshippers and wounding approximately 100 others. Goldstein had gained notoriety earlier as a physician in the IDF (Israeli Defense Force) for “refusing to treat non-Jews, even those serving in the IDF”. This is discriminatory ethos helps us understand Krugal’s heinous behavior. He emerged from a culture of religious and sectarian hatred.

Krugel was caught red-handed in “a conspiracy to violate the civil rights of worshippers at Culver City’s King Fahd Mosque and one count of carrying an explosive device in connection with a conspiracy to impede or injure Republican US Rep. Darrell Issa”. (Seattle Times) He planned to blow up the mosque and kill a US member of Congress. The evidence against him was overwhelming.

US District Court Judge Ronald Lew threw the book at Krugal saying that his actions “promoted hatred in the most vile way” and gave him the maximum sentence of 20 years. Unfortunately, the unrepentant Krugal knows a great deal more about the conspiracy than he is willing to admit and has failed a polygraph test 5 times.

“You are not a changed person,” said Judge Lew. “You have more to give.”

Regrettably, only a handful of newspapers published this appalling story of domestic terrorism. It is impossible to explain why the Jewish Krugal escaped the media’s attention while the mere allegations against the Muslim Padilla have attracted widespread coverage in both TV and the print media.

It is even more difficult to understand how the judicial system can incarcerate one man without the slightest evidence of his guilt while providing the other with full access to the legal process. One can only assume that there are no longer any objective standards for measuring either guilt or innocence, just the arbitrary proclivities of the men in power. The cases of these two men were decided on the basis of religion alone; a clear indictment of the existing system. By Bush’s own standards, Krugal should have been quickly shunted off to Guantanamo to join the rest of the terror-suspects who have been refused due process. Instead, he was granted a lengthy trial and given every opportunity to acquit himself. Padilla, on the other hand, has been capriciously deprived of all civil and human rights, and has been given no opportunity to even know the charges for which he is being held.

Krugal is a radical, a terrorist, and a murderer. Never the less, we defend his right to be charged with a crime, to face his accusers, to have an attorney for his defense, to produce witnesses on his behalf, and to be tried by a jury of his peers. Even if Krugal was seen walking into a church, a mosque, or temple with a bomb-belt strapped around his waist, we would still defend his right to prove his innocence in a court of law.

The law is more important than Krugal or the injury he might cause. And the presumption of innocence is more significant than the loss of innocent lives. The law is the protective shield against the terror of the state which has traditionally been the greatest curse to humankind. The law reflects the loftiest aspirations of man and our collective longing for justice. Krugal is entitled to all the blessings of liberty and the full protection of the law as is Jose Padilla, Timothy McVeigh or any other alleged terrorist. Equal treatment is the cornerstone of our American judicial system and the vision of the founders.

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