

The Court-Martial of Sergeant Benderman

Sgt. Benderman chose to put his weapon down; not to kill but to love his fellow human beings

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When Sgt. Kevin Benderman went to Iraq on March of 2003, he saw the destruction of a nation, he saw a little girl with a burnt arm asking the soldiers for help they were ordered not to provide, he saw people drinking water from mud puddles, and he saw that Iraqis were regular people, just like himself, and that our military should not bring destruction to that country. What Sgt. Benderman saw in Iraq changed him in a way so profound, that after ten impeccable years in the Army, he decided to apply for conscientious objection. But Sgt. Benderman also spoke truth to the people about what is going on in Iraq, and he spoke about how the war is not destroying Iraq alone, but our own country as well. He spoke of how American soldiers are dehumanized by the war.

But today's general Court-Martial did not deal with Sgt. Benderman's war experience, nor with the dehumanization of America's children in Iraq; it mostly dealt with a forty-five minute meeting Sgt. Benderman had with his Sgt. Major just an hour before his unit was to deploy to the Middle East, where they were to provide logistic support to American infantry units, and they were to train Iraqi police officers and military personnel.

The defense successfully showed how during that meeting Sgt. Benderman's chain of command, not knowing how to deal with his Conscientious Objector packet, released him to work on documents and to have dinner with his wife, just an hour prior to his unit's deployment, and how they made no effort to get him to the airfield, or to get him on board a later flight. The defense showed how Sgt. Benderman, far from being absent without authority or having missed movement, continued to perform a sergeant's duties while and after his unit deployed to Iraq.

The defense also showed the ambiguity in Sgt. Benderman's chain of command. For instance, one of the government's arguments in seeking both a conviction and a harsh punishment was that Sgt. Benderman's logistic duties were crucial for the unit in Iraq, yet the defense proved that his chain of command had planned to fire him from his job and to assign him to latrine duty. Another argument was the hazardous component of the unit's mission in Iraq, yet the 1st Sgt. insisted that Sgt. Benderman would be perfectly safe and in a position where he would see no combat at all. The defense successfully showed the humiliation Sgt. Benderman went through because of his Conscientious Objector beliefs, from the harassment of his wife by the Sgt. Major (who admitted to commenting on her physical figure) to his 1st Sgt. calling him a coward.

Why then, one wonders, was Sgt. Benderman convicted of Missing Movement by Design, and sentenced to 15 months of confinement, reduction to the lowest rank, and a dishonorable discharge? The defense strategy was sound and solid. The government's prejudice and Sgt. Benderman's chain of command's unmeasured persecution and incompetence were all made evident. Why the conviction and the harsh sentence then?

Perhaps because a legal strategy is no match for a political strategy. The Army had in its hands a blond, blue-eyed, six foot two, all-American soldier, born and raised in the south, someone white America can look up to and identify with, someone who went to Iraq and came back with his humanity enhanced, most definitely a threat to a government on a mission to militarize its society and spread its empire. The government threw the book at Sgt. Benderman to ensure others like him don't follow behind. Therefore, his case should not have been boiled down to a forty-five minute meeting, because in doing so, the defense disconnected itself from the humanity of the action and from its message of resistance, and that is something America cannot afford at this time.

Sgt. Benderman is not an African-American Muslim, he is not a Cuban Buddhist, his parents are not Latin Americans. Unlike other recent conscientious objectors, Binderman looks like he belongs at a George W. Bush rally. The humanity he displays in his refusal to fight a senseless war cannot be blamed on a foreign ethnicity, or on the color of his skin; it cannot be blamed on his religion either. And he cannot be accused of being a Yankee liberal. Sgt. Benderman's courageous stance gives the conscientious-objector response to the war in Iraq a universal touch that breaks down barriers and goes beyond borders, bringing the issue of war resistance down to the humanity in each and every one of us, regardless of who we are or where we come from.

Sgt. Kevin Benderman chose to put his weapon down; he chose not to kill but to love his fellow human beings; he chose to put his career and physical freedom in jeopardy; he chose to speak truth in the face of power and adversity; he was harassed, humiliated, accused, tried, convicted, and sentenced to jail. He kissed his wife goodbye, and he kept his head high as he walked to his fifteen months of confinement. I have never seen a freer man.

Camilo E. Mejia is a former prisoner of conscience, Iraq war veteran, war resister, and member of Iraq Veterans Against the War. Camilo's conscientious objector application is still pending. He served nine months in confinement for refusing to return to Iraq after a two-week leave.

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