

# US Army abandons effort to court-martial Iraq war resister

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The US Army, admitting defeat in its more than three-year effort to punish First Lt. Ehren Watada for refusing to deploy to Iraq, is allowing the Hawaiian-born soldier to resign from the military on October 2. He will be granted a discharge “under other-than-honorable conditions,” according to his lawyer. An Army spokesman said regulations allowed for “resignation for the good of the service in lieu of general court-martial.”

Watada, now 31, was the first officer to face court-martial charges for refusing to serve in the Iraq war. He did not ask for conscientious objector status, instead courageously attacking the US invasion as a war of aggression. He said he refused to be a party to war crimes, and was charged in July 2006 with three counts: one count of “missing movement” stemming from his refusal to deploy with his unit to Iraq in 2006, and two counts of conduct unbecoming an officer in connection with public statements explaining his reasons for resisting the war. He faced up to six years in prison if convicted.

In one of the statements the Army considered “unbecoming an officer,” Watada said, “It is my conclusion as an officer of the Armed Forces that the war in Iraq is not only morally wrong but a horrible breach of American law. As the order to take part in an illegal act is ultimately unlawful as well, I must as an officer of honor and integrity refuse that order. ... The wholesale slaughter and mistreatment of Iraqis is not only a terrible and moral injustice, but it’s a contradiction to the Army’s own law of land warfare. My participation would make me party to war crimes.”

The original court-martial, in February 2007, ended in a mistrial after a ruling by a military judge. A second court-martial was stopped by a federal court ruling in

the state of Washington, near Watada’s base at Fort Lewis, later that year. The district court judge ruled that such a trial would amount to double jeopardy and would therefore be unconstitutional.

Watada enlisted in the Army in May 2003, later explaining, “I believed the [Bush] administration, like many Americans out there, when they guaranteed that Iraq had weapons of mass destruction, ties to Al Qaeda, and Saddam had ties to 9/11.”

Watada described how, in light of “the abuse and mistreatment of detainees in Abu Ghraib, the accounts of Iraqi civilians, the accounts of independent journalists, and the accounts of American soldiers coming back home, I began to look deeper into the legality of the war itself ... any war that you are forced to participate in that is not a war of necessity is a war of aggression and is the worst crime against humanity and the worst crime against the peace.”

In another comment after he was first charged in 2006, Watada spoke of the economic and social conditions driving young people to enlist in the military. “It’s the 18-, 19-, 20-year-olds that really don’t know their rights, don’t know what they are getting into, so are at a really huge disadvantage. If they realize that they are opposed to the war, they have no way out. There is that socioeconomic disadvantage—it is a type of draft.” He said that “using these people for an unjust and illegal war ... is tragic.”

The Army’s decision to abandon their case against Watada reflects a recognition and fear inside the political and military establishment of the enormous unpopularity of the wars in both Iraq and Afghanistan. Watada’s lawyer, Kenneth Kagan, explained that the Army had up to now refused to allow the soldier to resign. “This time, however, it was accepted, apparently only when the Army realized it could not

defeat Lieutenant Watada in a courtroom.”



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