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European Languages

زبانهای اروپایی

By Bill Van Auken  
24.11.2019

## *Trump overrides Navy's bid to evict war criminal from SEALS*

President Donald Trump intervened via Twitter early Thursday to preempt an administrative hearing called to rule on kicking Chief Petty Officer Edward Gallagher, who was courtmartialed for war crimes, out of the US Navy's elite SEAL special operations unit.

"The Navy will NOT be taking away Warfighter and Navy Seal Eddie Gallagher's Trident Pin," Trump tweeted. "This case was handled very badly from the beginning. Get back to business!" The "Trident Pin" is the gold insignia worn by Navy SEALs.

It was unclear whether Trump's intervention covered three other Navy SEALs, including two lieutenants implicated in the Gallagher affair, who were also facing "Trident reviews" set for December 3. Since 2011, the Navy has stripped 154 SEALs of their Trident pins.



US President Donald Trump

Trump's tweet marks the fourth time that he has intervened in the Navy's criminal and disciplinary proceedings against Gallagher, who was accused by fellow SEALs of deliberately shooting civilians as a sniper in Mosul and using a hunting knife to stab to death a wounded teenage fighter as he was being treated by a US medic. He was also accused of issuing death threats against those who had given evidence against him, calling them "traitors." This led to his pre-court martial confinement in the Navy brig to prevent witness intimidation, or worse.

Last March, however, the US president ordered the Navy to release Gallagher from the Miramar brig in San Diego before his court martial. In August, he ordered prosecutors stripped of citations they had received after Gallagher's trial. And last Friday, Trump overruled the military jury's decision to demote the SEAL by one pay grade

There was no dispute that Gallagher had wantonly fired on civilians or that he had, without provocation, plunged his knife into the neck of a wounded and sedated prisoner. A medic who was present, however, changed his pre-trial testimony that he had witnessed the premeditated murder, claiming on the witness stand that it was his asphyxiating the teenage fighter that caused his death and not Gallagher's knife attack. In the end, Gallagher was convicted solely on a lesser charge of having a "trophy" photograph taken of himself with the corpse—also a war crime.

Gallagher's crimes were only a drop in the bucket in terms of the mass slaughter carried out by the US military against the population of Mosul, once Iraq's second city. According to the estimates of Iraqi Kurdish intelligence, as many as 40,000 civilians were massacred in unrelenting airstrikes and artillery bombardments, which reduced Mosul to rubble.

Together with the reversal of Gallagher's demotion, Trump granted pardons to two Army soldiers convicted and jailed for war crimes in Afghanistan: Maj. Mathew Golsteyn, who summarily executed an alleged Taliban bomb maker, and Lt. Clint Lorance, who ordered soldiers under his command to open fire on three unarmed men, killing two of them.

Trump's tweet that it's time to "get back to business" is not only a blanket endorsement of these actions, but also a signal that all US military personnel may act with impunity in carrying out crimes, no matter how vicious, in countries subjected to American imperialist intervention.

Trump reportedly carried out his actions on the recommendation of Pete Hegseth, a cohost on "Fox & Friends" the right-wing morning talk show broadcast by Fox News, which the US president follows daily. Hegseth, a former reserve army officer who went on to head a

phony right-wing veterans group funded by the Koch brothers, has regularly hosted the attorneys and family members of Gallagher and others convicted of war crimes.

The incestuous relations between the White House, Fox News and the lawyers for the convicted war criminals is illustrated by the fact that Gallagher's attorney, Tim Parlatore, has also represented Hegseth, while another member of the Navy SEAL's legal team is Marc Mukasey, a lawyer for the Trump Organization. Helping to coordinate the legal team is Bernard Kerik, Mayor Rudy Giuliani's police and jails commissioner and later business partner, who was sent to prison for tax fraud and other crimes.

The US Army and Navy commands issued virtually identical statements in response to Trump's announcement of the pardons. The Army defended its military justice system as the only means to ensure "good order and discipline for uniformed service members while holding accountable those who violate its provisions," while adding that "the Constitution establishes the President's power to grant pardons."

This begrudging acknowledgment of the Constitutional principle of civilian control over the military expresses the protracted undermining of this principle. The US military, gobbling up more than half of all discretionary spending, with a budget that has climbed to a record \$750 billion, has played an ever-greater role in determining the policies of successive governments, Democratic and Republican alike. Meanwhile, its officer corps, heading an "all-volunteer" force, has become increasingly partisan and right-wing.

Trump's intervention in the war crimes cases, however, has provoked anger within the military brass. Criminality within the special operations forces, with cases involving murder of fellow soldiers, rape and drug trafficking, has become an increasing concern. Senior officers also see the defense of the kind of heinous crimes carried out by Gallagher as detrimental to both US overseas operations and military discipline.

For Trump, pardoning war crimes serves as a means of solidifying support within his extreme right-wing base, while simultaneously cultivating a fascistic layer within the military itself, with demagogic rhetoric identifying himself with the "warfighters"—and war criminals—in opposition to the Pentagon brass.

Gallagher's lawyer, Parlatore, who is obviously acting in close coordination with the White House, denounced the Navy's attempt to subject the convicted SEAL to an administrative review as "outright insubordination" against Trump's authority as commander-in-chief. He said that Rear Adm. Colin Green, the commander of the Naval

Special Warfare Command who ordered the review, was “daring the president to fire him.”

The attempt by the Trump administration to whip up a conflict between the most right-wing and criminal layers within the US military and the senior officer corps is symptomatic of a deep-going crisis within the US state apparatus and has ominous implications.

In response to Trump’s pardoning of US military personnel convicted of war crimes, the United Nations issued a restrained statement calling it a “disturbing signal” with global impact.

“These three cases involve serious violations of international humanitarian law, both proven and alleged, including the shooting of a group of civilians and execution of a captured member of an armed group,” UN rights office spokesperson Rupert Colville said, adding that such pardons were unprecedented in the US “since the Vietnam war.”

He added that international law requires that governments “investigate violations and prosecute war crimes.” The pardons, which amounted to “voiding the otherwise proper process of law in the cases,” ran “against the letter and spirit of international law which requires accountability.”

This is a rather delicate way of saying that not only Gallagher and the others pardoned by Trump are guilty of war crimes, but so is the Trump administration itself.

*22 November 2019*