

Christian's civil disobedience hopes to hasten Guantánamo prison closure

Written by Ken Sehested
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Holy Obedience

Unfortunately, it's too easy to write off the decision of UCC member Tim Nolan to commit civil disobedience in January at the U.S. Supreme Court, while calling for the closure of the Guantánamo prison for the suspects in the U.S. "war on terror," as political looney-tune.

But no less a public figure than former Secretary of State Colin Powell has spoken to the "problem" of Guantánamo.

"Guantánamo has become a major, major problem . . . in the way the world perceives America and if it were up to me I would close Guantánamo not tomorrow but this afternoon," Powell told NBC's "Meet the Press" in June. "Essentially, we have shaken the belief the world had in America's justice system by keeping a place like Guantánamo open and creating things like the military commission. We don't need it and it is causing us far more damage than any good we get for it."

Powell is no pacifist. Nor is Secretary of Defense Robert Gates, who tried early in his tenure to close the facility. Nolan, a member of Circle of Mercy Congregation (UCC/Alliance of Baptists), a nurse practitioner, the spouse to Amy and father of three young children in Asheville, N.C., didn't undertake the action lightly, even though he's done this before, including last year's "Witness Against Torture" action on the fifth anniversary of the opening of Gitmo.

While speaking with him in February, Nolan outlined the substantial case against the prison based on U.S. and international law.

"The legal charade of this Administration's justification is astounding," Nolan said. "The invention of terms like 'unlawful combatants;' the suspension of habeas corpus, which is the foundation of our jurisprudence; and the systematic use of 'enhanced interrogation techniques,' formerly known simply as torture."

'An outgrowth from prayer'

Nolan, whose medical work is focused on low-income people living with HIV/AIDS, does not base his conviction merely on legal or political grounds.

"Actually, this action is an outgrowth of prayer." As it was for the majority of the 200 who paraded from the National Mall in Washington, D.C., to the steps of the Court - each in the distinctive orange jump-suit of Guantánamo prisoners and wearing the black hoods made famous



Tim Nolan with his wife and family.
Photo furnished.

from a similar prison, Abu Ghraib, in Baghdad. Most in the action are rooted in, or inspired by, the faith-based Catholic Worker Movement.

"I think of prayer as the portal to seeing the world in a new way, through God's eyes," Nolan commented. "Prayer isn't an escape hatch from the agonies of history, but a means of confronting history in redemptive ways."

The day - Friday, Jan. 11 - began with a rally on the National Mall, co-sponsored Amnesty International and more than 100 other human rights organization. Shortly after noon, some 400 persons embarked with legal permits and a police escort on the 45-minute silent walk, two abreast and in pouring rain, to the Supreme Court. After arriving, the 200 in theatrical-orange garb knelt on the sidewalk in front of the Court. During discussions the previous day, 36 had volunteered to risk arrest by mounting the Court stairs toward the entrance.

As this unfolded, another 45 volunteers in plain dress passed through security and assembled inside the Court, where they planned to read a statement and unfurl a banner. With no attempt to resist police orders, those on the steps were arrested and charged with violating an ordinance prohibiting demonstrations on court grounds. Those inside were charged under a provision that makes it a crime to give "a harangue or oration" in the Court.

"During the drive to D.C., during the strategy sessions the night before, all during the morning on the Mall, but most especially as we walked to the Court, I have to admit I was anxious, nervous, wondering if I was crazy," Nolan said. "But all that melted away as we began climbing the steps. And as we were handcuffed, facing those massive courthouse pillars, I felt free and calm, with a sense that - in the face of this massive injustice - I was exactly where I wanted to be and needed to be."

Under arrest

All of the 75 persons arrested were handcuffed and taken to a trailer at the side of the building for processing by Court police. Instead of offering their own names, each instead gave the name of a Guantánamo prisoner. Four hours later they were escorted into the Court basement and processed again, and pictured, then seated along a hallway. At midnight, in groups of four, they were transported by D.C. police to disperse precincts; and then moved again, at 3 a.m., to the central prison.

By 9 a.m. the entire group was reassembled, hands still cuffed and now legs shackled, at the Superior Court holding cell in preparation for their arraignment. Again, in groups of four, they appeared before a judge, who provided two options: to accept or reject a "stint" - a "cease or desist" order - pledging to not be arrested again for at least six months.

Some chose to agree to this restriction. Others, like Nolan, who was finally released under bond at 5 p.m., refused and now face a maximum penalty of 60 days in jail, a fine, or both. A court date, as of March 15, was still pending.

"The most significant thing that happened in this 29-hour incarceration was the fact that, in my appearance before the judge, I initially gave the name of 'Fazaldad' and have it officially recorded in a court document," Nolan said.

Fazaldad ("no first name known," according to Guantánamo records) is among the approximately 275 prisoners still being held, some for over six years, in legal limbo and without recourse to legal action of any kind. Each of the "witness" activists appearing before the judge that afternoon did the same thing, just for this purpose, before finally stating their real names.

"Just yesterday," Nolan said as we wrapped up our conversation, "I heard an interview with one of the first lunch-counter sit-in participants [in Greensboro, N.C.] He talked about the fear he felt, as a black man approaching the taboo of a segregated lunch counter, as he first entered Woolworths with the intention of breaking the law. But then he said something like, 'When I did finally sit down, I knew it was right. And I knew I'd stay there come what may. It might mean a long stay in a hostile prison. Or it might even mean I'd be shipped home in a pine box. But I knew this was right. I knew I was where I wanted to be, where I needed to be.'"

"I immediately recognized that feeling," Nolan said, smiling.

Earlier I told Nolan about the experience of others from our Circle of Mercy congregation, on a visit to our "sister" church in Cuba. I told him how his story was shared at a special "service of prayers for peace" the very night of his arrest. As you might imagine, the narrative had quite an impact on the gathered Cuban Christians, against whom our country maintains an illegal embargo.

Such bonds, across borders and boundaries of every kind, are at the heart of our calling. And, sometimes, civil disobedience is a form of holy obedience.

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In The Air

What's being said about torture

- After The New York Times reported the abuses at the Abu Ghraib prison in Iraq, the paper also said the CIA had, in 2002, issued its own report that most of the prisoners held at Guantánamo did not deserve to be there.
- In February 2006, in a study of Department of Defense records, lawyers representing Guantánamo detainees reported that only 8 percent were labeled as "al Qaeda fighters" and just 11 percent had been captured "on the battlefield" by coalition forces.

- General Pervez Musharraf boasted in his 2006 memoir, "We have played cat and mouse with [al Qaeda]. We have captured 689 and handed over 369 to the United States. We have earned bounties totaling millions of dollars."

- In a February 2008 interview on BBC Radio, U.S. Supreme Court Justice Antonin Scalia said it was "extraordinary" to assume that the ban on cruel and unusual punishment - the Constitution's Eighth Amendment - also applied to waterboarding. "You can't come in smugly and with great self satisfaction and say 'Oh it's torture, and therefore it's no good.'"