

AMERICA'S BETRAYAL OF JOHN WALKER LINDH

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John Walker Lindh is an American who converted to Islam and became involved in the civil war in Afghanistan on behalf of that nation's fundamentalist regime, the Taliban. When the United States declared war on and eventually toppled that regime following the attacks on the World Trade Center, Lindh was arrested and convicted as an accessory to terrorism. This paper investigates the biographical and historical background of Lindh's involvement in Afghanistan, and concludes that although Lindh fought for a government that provided safe haven to the terrorist cell that attacked America, he provided no material assistance and pledged no support to any terrorist or anti-American cause. The case against Lindh was conducted with deliberate dishonesty by the United States government, and Lindh's lengthy sentence forces us to question to just what degree an American citizen is legally responsible for conforming his conscience to the often inconsistent policies of his government.

The George W. Bush administration's legal war on terror has undoubtedly put some important names in international terrorism on dockets around the country, and is just beginning to yield its first convictions related to the attacks on September 11, 2001. However, the administration's aim in hunting terrorists has not been perfect, and as the United States Department of Justice's method of operation in dealing with suspected terrorists comes to light, it is appearing increasingly likely that the rabid legal environment induced by the USA PATRIOT Act is allowing federal holding cells to slowly fill up with scapegoats—men whose connections to Al Qaeda and other terrorist organizations are indeterminate at best, and are likely guilty of nothing more than being in the wrong place at the wrong time.

The most appalling aspect of this situation is that the public may never come to know the identities of most of these illegitimately detained persons,

as the USA PATRIOT Act grants the Justice Department the right to hold suspected terrorists *incommunicado*¹ and without legal counsel for as long as is needed to determine justification.² But the public remains aware of the most sensational of these dubious prosecutions in the case of John Walker Lindh, the so-called American Taliban, who fought on the side of the Taliban in the Afghani civil war and was arrested by United States Marines after the bloody prison uprising at Mazar e-Sharif in which a Central Intelligence Agency operative was killed.³ For many Americans at the time, the feeling of shock produced by the September 11, 2001, attacks was drastically heightened by the realization that there had been a young, full-blooded American among the ranks of the Taliban, which the White House had handed to the public as a synonym for Al Qaeda and thus for anti-American terrorism in general. However, as our understanding of the events both preceding and immediately following the attacks on the World Trade Center has become more sophisticated, it has become exceedingly clear that the Taliban and Al Qaeda were distinct entities with sometimes divergent primary goals. The Taliban had its own separate interests in Afghanistan, and linking John Walker to the Taliban is in no way proof that he has ever been a terrorist, or even once provided intentional, direct assistance to terrorists.

The United States' indictment of Lindh, coming as early as it did in the wake of the attacks on the World Trade Center, was either ignorant or dismissive of the nuances of the political and biographical background of the case, reflected by the fact that the government eventually dropped eight of its ten original charges. In reaching a plea agreement, Lindh was convicted of violating President Clinton's Executive Order 13129, issued in 1999, which blocks all material assistance to the Taliban government, along with a second minor charge stemming from the fact that he did so while armed.⁴ Lindh could not be conclusively linked to Al Qaeda, and was for all intents and purposes convicted of providing third-party assistance to terrorists—a crime he supposedly committed by fighting in another nation's civil war. For this regulatory and time-honored violation, John Walker Lindh today resides in a cell in Alexandria, Virginia, where he will likely continue to reside for the next seventeen to twenty years of his life.

Those who think he belongs in prison tend to describe John Walker Lindh as an upstanding American citizen turned Islamic fundamentalist.⁵ But what is known of Lindh's biography suggests that he converted, by his own volition, to a form of Islam considered mainstream by most standards. The general sense of fear surrounding Islam in America following September 11, 2001, was largely bred from a lack of understanding that seems to be subsiding. Most Americans now acknowledge that the people who attacked America represent a radical fringe group within greater Islam, and that in actuality the central moral

principles recognized by most Muslims across the world do not differ markedly, at least in spirit, from those central to the Judeo-Christian tradition. Therefore, there is no reason to understand Lindh as anything other than a young man who sought a spiritual identity for himself, which he found in the teachings of one of the world's fastest-growing religions.

John Walker is a well-spoken young man from an upper class, northern California family who converted to Islam as an early teenager. After graduating high school he traveled to Yemen to study the Arabic language.⁶ Later John Walker traveled to northwest Pakistan where he studied Islam in a seminary and first became aware of the religious implications of the civil war being waged in neighboring Afghanistan, where the Islamic Taliban regime was battling a coalition of non-Islamic warlords known as the Northern Alliance. Perhaps at the behest of his religious teachers, Lindh enlisted for military training with the Taliban, first in northern Pakistan and then later at an Al Qaeda training facility in Northern Afghanistan.⁷ After his training, Lindh joined a band of Taliban soldiers in the province of Takhar in Northeast Afghanistan only six days before the attacks of September 11, 2001.

In his statement to the sentencing court, Lindh explained his decision to join the Afghani civil war as a fulfillment of his "religious duty to assist [his] fellow Muslims militarily in their *jihad* against the Northern Alliance."⁸ On his account, Lindh had no anti-American ambitions in joining the Taliban, but joined the war as a Muslim on the side of other Muslims. It is also evident from his testimony that Lindh regarded the war as one against local warlords for control of the nation of Afghanistan, and not one against Americans or people of any other nationality. Moreover, Lindh explains in his statement that he saw the war in historical terms, as "the continuation of the war between the *mujahideen* and the Soviets," an earlier Afghani civil war in which the United States, in typical cold war fashion, became involved on the behalf of the *mujahideen* freedom fighters, including many of the same soldiers who fought alongside Lindh as members of the Taliban and many current members of Al Qaeda, most notably Osama bin Laden.⁹ As was typical of American foreign policy at the time, the ideological views of the *mujahideen* and the ways they might have contrasted with American views were apparently not considered. It is hardly an exaggeration to say that America had a direct hand in establishing the Taliban as the dominant ruling force in Afghanistan, and thus, in one of the many bitter ironies to emerge from the cold war, the United States indirectly helped provide Al Qaeda with a sympathetic nation in which to base its operations.

On this point, Lindh displays a more objective understanding of Middle Eastern history than his government, for indeed the recent American presence in Afghanistan represents a flip-flopping of American interests

in the region. Though the conflict between Russia and the *mujahideen* has been long forgotten in the United States, for many Muslims in the region the first Afghani civil war represented nothing more than one in a continuing series of *jihads* between Muslims and non-Muslims for control of Afghanistan. The religious fervor and strong sense of history in which Lindh became consumed, then, was a pervasive element in the culture in which he had become immersed: he joined a religious war for religious reasons and justified his decision in the same manner as many mainstream Muslims. Not included in his justification was any hint of anti-Americanism; rather, John Walker understood his role in the conflict as a continuation of the American support of the *mujahideen* and thus as consistent with longstanding interests of his native country.

Lindh also expressed an understanding of Islam in his statement that is consistent with that of mainstream Muslims and wholly inconsistent with the extreme views of Islamic terrorist cells like Al Qaeda. He understands *jihad* as an item of strict Islamic terminology: “the spending of one’s utmost exertion in the name of God” which can range from “striving to overcome our own personal faults, to speaking out for the truth in adverse circumstances, to military action in the defense of justice.”¹⁰ The theological concept he explains turns out to be nothing like the perverted one made infamous in the West by members of Al Qaeda. Furthermore, Lindh has made clear in interviews since his arraignment that he does not regard the attacks on September 11, 2001, as part of a legitimate *jihad*, and has never regarded them as anything but violations of true Islam.

Aside from the more noble and clear-headed aspects of Lindh’s recent biography, however, it is also evident, and he himself admits, that he became swept up in something he did not adequately understand. If there is a serious criminal mark against him, then it certainly stems from his significant ignorance, both of the true nature of Taliban governance and the Taliban’s firm connections with Osama bin Laden and Al Qaeda.¹¹ After his arrest, Lindh claimed that he went to Afghanistan to alleviate the suffering of the Afghani people, but had no understanding of what it meant to live as a civilian under Taliban rule nor of the suffering that life entailed. He lived only as an imported Taliban soldier, and thus experienced and knew nothing beyond the military dimension of the Taliban. This is not to say Lindh was completely ignorant of Al Qaeda’s presence in Afghanistan, nor of the terrorist organization’s bonds with the Taliban government, for he was trained for three weeks at an Al Qaeda training facility, where he allegedly met Osama bin Laden, who praised his efforts as a foreign defender of Islam.¹² In his trial, and even more so in the media, this anecdote was raised as the most prejudicial piece of evidence against him, but the reality of what likely occurred is far less sensational. Lindh was sent to the Al Qaeda facility for training not at his own request, but because he was not fluent in all Afghani languages and could only be

trained in Arabic. Moreover, the type of training Lindh received at the Al Qaeda facility could hardly be categorized as terrorist training. The curriculum consisted entirely of military tactics, and did not differ significantly from that taught at American military bases, aside from the fact that it was far less intensive.¹³ More importantly, another anecdote from Lindh's stay at the Al Qaeda facility represents perhaps the best piece of evidence in his favor. At the end of his training, Lindh was offered the chance to take part in an Al Qaeda terrorist plot but declined, instead asking to be put on the front lines in Afghanistan, as had been his original plan.¹⁴ Lindh never had any intention of fighting against Americans, and as became clearer in the weeks leading up to his trial, the evidence suggests that he never did.

However, the fact that bin Laden personally offered Lindh a chance to become a terrorist appears to condemn him in another way, for surely he must have known that Al Qaeda was linked to the Taliban and that Al Qaeda had terrorist ambitions, both anti-American and otherwise. But the fact that this realization did not lead him to quit the Taliban may simply be regarded as further evidence of his youthful ignorance. He may have believed, as an idealistic twenty-one year old, that the Taliban's struggle against the Northern Alliance could be pursued as a separate conflict from the one bin Laden was waging against the non-Islamic world. In fact it is not altogether clear that they cannot be so regarded. Certainly from Lindh's perspective they were distinct struggles: one was a *jihad* aimed at ending the widely known suffering of Afghani Muslims at the hands of the Northern Alliance, while the other was an international operation run by a group of well-financed Islamic extremists who were perverting the rule of *jihad* in order to justify their cause. Lindh professes not to have understood Al Qaeda in realistic terms, and it may well be that Lindh chose ignorance as bliss. But this is hardly enough to condemn him. Though he may have ignored the brutality of Al Qaeda, the civil conflict unfolding in Afghanistan was absolutely justified according to his religious beliefs, and he would fight on the side that agreed with his conscience, regardless of whatever else that side might have represented. Certainly Lindh does not agree with the extreme interpretation of the Koran held by the Taliban,¹⁵ but he and the Taliban did come to share at least one vital point of agreement: the Northern Alliance was waging war on Islam and had to be defeated. That was all the reason Lindh felt he needed for joining their ranks.

Whether or not Lindh went through such a process of justification, however, is irrelevant. The fact is that he went into Afghanistan with the intention of fighting warlords, not Americans, and at the time he entered the conflict he could never have known his countrymen would join the fight on the opposite side less than a month later. As Lindh himself points out, the Russians were still providing financial and material aid to the

Northern Alliance up until 2001, and the United States had lacked a clear definition of its interests in Afghanistan for more than a decade.¹⁶ During that span, the United States took a decisive stance against Russian involvement in a conflict long considered a cold war relic.¹⁷ The relevant political information available to Lindh at the time of his joining the Taliban, therefore, could not have been more convoluted. For a young man recently enamored with Islam there was surely nothing preventing an American from taking up arms against oppressive anti-Islamic warlords in the forgotten nation of Afghanistan.

This is an important point; the crux of Lindh's innocence is that he did not take up arms against his own country. Fighting against the Northern Alliance, he took up arms with the Taliban, a group of fighters with whom he came to bond.¹⁸ When the United States later attacked the Taliban, it hindered the cause that had inspired Lindh to join the civil war in the first place, and we can hardly fault a man for remaining faithful to his religious beliefs, even when they came into conflict with the rapidly evolving interests of his mother country. The war he had joined a month earlier was not the same as the one the Americans had now forced him into the middle of, and yet Lindh did not attack a single one of his fellow Americans. He merely stood with his fellow soldiers in the basement at Mazar e-Sharif, in support of the cause to which he had recently chosen to devote his life.

Once the Americans entered the fray it was not an option for Lindh to simply leave his fighting group: a lone American wandering Afghanistan at the time was sure to be killed by someone, and of course it would have been absurd for Lindh to inform his commanding officer that he had simply decided to desert.¹⁹ From the little we do know about the intricacies of Taliban military protocol, it does not seem that requests for leaves of absence, especially those coming from American converts, were generally looked well upon. Lindh likely remained with the Taliban simply in order to preserve his life in a situation that had escalated out of control in a way he never could have anticipated. We can hardly fault him for it. Similarly, it is not surprising that Lindh refused to cooperate with CIA interrogations upon his surrender; had he done so he surely would have risked retribution once he returned to his cell with his fellow soldiers. From all this, it is not hard to picture this twenty-one year old as a frightened youth who earnestly followed his religious beliefs, but through a series of unfortunate turns of events, had simply gotten in over his head. The government's description of him as a wayward son who had turned anti-American while living in the Middle East, and had come to practice a dangerously radical form of Islam is difficult to fathom.²⁰ When the indictment became public, however, it was apparent that the only evidence the government had for labeling Lindh anti-American were a handful of rather tame e-mails written by Lindh to his mother, in which he expressed his opinion that America

was a “backward” country and that she would do better by moving to England.²¹ It should have been obvious from early on that the facts just did not show Lindh to be anywhere near as politically minded as his prosecutors gave him credit.

Nonetheless, United States Attorney General John Ashcroft indicted Lindh on ten felonies, with the heaviest charge being “conspiracy to murder United States nationals.” Conviction on all ten charges would have carried a maximum sentence of life imprisonment plus ninety years, and at the time the indictment was announced, the general consensus among the media was that no punishment could be too severe for a traitor. At the January 15, 2002, press conference announcing the indictment, Ashcroft attempted to ennoble the government’s case in laughable and, as it turned out, wildly irresponsible terms, accusing Lindh of “killing Americans,” linking him to the attacks on September 11, 2001, and proclaiming that the government could not “overlook attacks on America when they come from United States citizens.”²² It seems Ashcroft was determined not to let the facts get in the way of a good witch hunt, and he issued no apology to Lindh or his family when prosecutors finally managed to convict Lindh, through a plea agreement, on only the two most minor charges in the indictment, failing to find a single shred of evidence that suggested he had ever conspired to harm an American citizen. Indeed, Ashcroft was accusing Lindh of killing Americans even though the indictment he was announcing contained the fact that Lindh had been offered the chance to partake in attacks on America and had explicitly refused. Later on, when it was clear that Ashcroft’s trial lawyers were not going to be able to make the anti-American charges stick, the United States Department of Justice still held the conspiracy charge over Lindh’s head in convincing him to sign the agreement.

The government’s true legal strategy against Lindh was to employ a version of the “the friend of my enemy is my enemy” attack, which may work fine in international diplomacy but is not valid justification for labeling a man an accomplice to terrorism—a label exacerbated by the treasonous undertones of the charges brought against him. Lindh was convicted of violating an Executive Order issued by President Clinton of which he was probably never aware: prohibiting United States citizens from providing “financial, material, or technological support for, or services in support of” the Taliban government, and for doing so while armed with a rifle and two grenades.²³ Certainly Lindh is guilty of these two minor charges, though to what extent Lindh actually aided the Taliban by sitting in a trench for two months, during which time he apparently did not fire a shot at anyone, remains obscure. It also remains unexplained why such a minor, letter-of-the-law conviction was worth the time, effort, and money of the United States Department of Justice, not to mention all the sensational media attention. Can it be doubted that had John Walker

been involved in almost any other foreign conflict the United States would not have charged him? Obviously Ashcroft wanted to make some kind of example of Lindh, but the point the United States Department of Justice presented by bullying him into what turned out to be a very gentle plea bargain agreement proved to have been more political than punitive. The official reasoning behind Lindh's conviction is that he assisted the Taliban, which gave safe haven to Al Qaeda—an organization that has orchestrated attacks on the United States—thus Lindh indirectly contributed to those attacks. But if that form of expansive reasoning is what the government is now employing, then hundreds of American nationals at home and across the world had better start fearing for their freedom. Thousands of Palestinian Americans, for example, should be brought in for questioning regarding their donations to Yasser Arafat and the Palestine Liberation Organization, an organization responsible, directly and indirectly, for the past killing of American nationals. Many Iraqi Americans, Irish Americans and Libyan Americans should also, according to that reasoning, be rounded up and charged.

This case raises an important issue regarding the extent of a nation's right to curtail the international activities of its citizens. Should the United States be permitted to tell its citizens which international conflicts they may partake in and from which they must abstain? That is tantamount to forcing the ideology of the American government upon the American people, and should thus leave a bad taste in the mouth of anyone who cares about the ideals of free speech and free expression. We want America to be a place that permits its citizens to live and die by their own consciences, even when they may conflict with the will of the majority, and yet John Walker Lindh will spend the prime years of his life in prison for doing just that. For causing no harm to a single American, either directly or indirectly, Lindh has been jailed by the federal government as an accessory to terrorism and lynched by certain factions in the media.

There is an unsettling undercurrent of hypocrisy running through America's treatment of John Walker Lindh, for Americans have involved themselves in foreign wars since the time of the founders, and it is hard to distinguish the "crime" committed by John Walker Lindh from the one committed by, for example, those who joined the Lincoln Brigade in the Spanish Civil War, or the thousands of Jewish Americans who have joined the Israeli army while maintaining their American citizenship. It is impossible to join a foreign war without stepping on some nation's toes. Why should an American citizen be forced to abstain from following his conscience, simply because it leads him into a purely ideological conflict with the foreign policy agenda of whoever happens to be living in the White House at the time?

John Walker Lindh is not even guilty of that much, for when he joined the civil war in Afghanistan he declared war on an enemy, in the Northern Alliance, that, far from being an ally of the United States, was actually considered by our government to be an illegitimate revolutionary force.²⁴ The fact that the attacks on the World Trade Center forced the United States to quickly reverse its policy within the Afghani region was a supremely unlucky turn of events that Lindh could not have possibly predicted. So are we to blame Lindh for maintaining his own clarity of conscience even as his mother nation displayed nothing but ideological inconsistency regarding its position on Afghanistan? Should an American citizen be required to account for and assimilate rapid alterations in United States policy into his own personal ideology when his conscience seems to be more stable and clear-headed than his government?

The implications would be different had Lindh made some anti-American contribution to the war on terrorism, but the facts show that this simply was not the case. The war in which John Walker Lindh actually enlisted was one that had been largely ignored by the United States government in the decade before September 11, 2001, and one of which the majority of Americans surely knew little or nothing. It is impossible to argue that Lindh harmed American interests by joining a civil war taking place in a country that many of his fellow citizens could not place on a map, and one that the makers of United States foreign policy had long forsaken as one of the most impoverished and culturally backward places in the world. John Walker Lindh did not attack America on September 11, 2001, nor could he have had any foreknowledge of an attack that had been fully planned almost a year before he joined the Taliban.²⁵ But America did attack John Walker Lindh. Events beyond his control caused his home country to become involved in the previously religious conflict that had become his life. His true cause was the defense of Islam against a coalition of brutal warlords. But the American government depicted John Walker Lindh's cause as an anti-American one and then punished him for ever pursuing it. Though John Walker is certainly guilty of the minor regulatory violation of which he was convicted, there is no doubt that he is presently serving time for a crime he did not commit, and occupying a prison cell and a role in the quenching of America's thirst for vengeance that should have been reserved for an enemy of the American people, and not one of her own.

Endnotes

1. A person merely suspected of involvement in terrorist activity can be denied visits or phone calls while detained, for as long as is needed to determine whether any charges will be filed.

2. Charley Reese, "Charges Against Lindh Overstated," *Enterprise-Journal*, 18 February 2002, (5 February 2003). http://www.WebOSTTN/ssipwd=TTN94CE8A71/news/news_story.html.
3. Paula Zahn, "John Walker Lindh," *CNN Programs – People in the News*, 15 December 2001, (8 January, 2003). <http://www.cnn.com/CNN/Programs/people/shows/walker/profile.html>.
4. James Brosnahan, "Statement of John Lindh to the Court," *Free John Walker Lindh*. 12 December 2002, (1 February 2003). <http://www.freejohnwalker.net/statement.html>.
5. Charles Parker, "The Taliban Next Door," *Time.com*. 4 December 2002, (8 January 2003). <http://www.time.com/time/nation/article/0,8599,187564,99.html>.
6. Zahn.
7. Parker.
8. Brosnahan.
9. Parker.
10. Brosnahan.
11. Reese.
12. Sara Jess, *John Walker Lindh: American Taliban*. (California: University Press, 2002).
13. Ibid, 112.
14. Steve Baughman, "Ashcroft's Vendetta: Lynching John Walker Lindh," *Counterpunch*. 5 July 2002, (15 January 2003). <http://www.counterpunch.org/baughman0705.html>.
15. For example, Lindh has recently decried the Taliban's treatment of women and lauded the efforts of the new Afghani government toward improving social equality.
16. Brosnahan.
17. Jess, 89.

18. Baughman.

19. Ibid.

20. Paul McNulty, "Indictment of John Walker Lindh," *United States Department of Justice*, (12 January 2003).
<http://www.dusdoj.gov/ag/2ndindictment.htm>.

21. Jess, 70.

22. Baughman.

23. *Executive Order 13129, Code of Federal Regulations*, Table 3, vol. 1 (1999).

24. Baughman.

25. Lawrence Donejan, "Doubts Cloud U.S. Taliban Case," *The Observer*. 17 February 2002, (8 February 2003).
<http://www.observer.co.uk/international/story/0,6903,651666,00.html>.

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