

The following text may be printed, copy/pasted, or downloaded and emailed.

Injured MP Sues Pentagon over Guantanamo Beating

Ex-soldier seeks to return to Army; suffered brain damage playing detainee

David Zucchino
Los Angeles Times
June 20, 2005

A U.S. military policeman who was beaten by fellow MPs during a botched training drill at the Guantanamo Bay, Cuba, prison for detainees has sued the Pentagon for \$15 million, alleging that the incident violated his constitutional rights.

Spec. Sean D. Baker, 38, was assaulted in January 2003 after he volunteered to wear an orange jumpsuit and portray an uncooperative detainee. Baker said the MPs, told he was an unruly detainee who had assaulted an American sergeant, inflicted a beating that resulted in a traumatic brain injury.

Baker, a Persian Gulf war veteran who re-enlisted after the Sept. 11 attacks, was medically retired in 2004. He said the assault left him with seizures, blackouts, headaches, insomnia and other problems.

In the lawsuit filed in U.S. District Court in Lexington, Ky., Baker demanded reinstatement in the Army in a position that would accommodate his medical disability. He said the Army put him on medical retirement against his wishes.

"I still want to serve," he said in a phone interview Friday from his home in Georgetown, Ky. "There's some task somewhere I can do in the Army."

A Pentagon spokeswoman declined to comment, saying she had not seen the suit and could not discuss pending litigation.

The Pentagon at first said that Baker's hospitalization after the training incident was not related to the beating. Later, officials conceded that he was treated for injuries suffered when a five-man MP "internal reaction force" choked him, slammed his head several times against a concrete floor and sprayed him with pepper gas.

The drill took place in a prison isolation wing reserved for disruptive detainees who had attacked MPs or showered them with urine and feces.

Baker said he put on the jumpsuit and squeezed under a prison bunk after being told by a lieutenant that he would be portraying an unruly detainee. He said he was assured that MPs conducting the "extraction drill" knew it was a training exercise and that Baker was an American soldier.

As he was being choked and beaten, Baker said, he screamed a code word, "red," and shouted: "I'm a U.S. soldier! I'm a U.S. soldier!" The beating continued, he said, until the jumpsuit was yanked down during the struggle, revealing his military uniform.

No one has been disciplined or punished for the assault, said Baker's lawyer, T. Bruce Simpson Jr. Last June, a military spokesman said an internal investigation in February 2003 had concluded that no one was liable for Baker's injuries. He said training procedures at Guantanamo had been reviewed after the incident.

"While it is unfortunate that Spc. Baker was injured, the standards of professionalism we expect

of our soldiers mandate that our training be as realistic as possible," the spokesman said.

Simpson said the Army's Criminal Investigation Division told him last month that it had completed an investigation and had referred it to the Army's legal section for review. A CID spokesman did not respond to a request for comment Friday.

Simpson said that while Baker receives \$2,350 a month in military disability benefits, plus \$1,000 a month in Social Security, he would give it up in return for a military job