

Appeals Set for Fort Hood Three

Evelyn Kirsch

1966

The court-martials for the three GIs who have refused to go to Vietnam began on September 6. All three were convicted—Pvt. David Samas and Pfc. James Johnson to five years at hard labor, forfeiture of pay and dishonorable discharges, and Pvt. Dennis Mora to three years at hard labor—and appeals are now being prepared by lawyer Stanley Faulkner. Each of the three were tried by a different trial panel of 10 officers, all of whom reached verdicts in less than a half hour.

The convictions are subject to automatic review within 30 days by a commanding officer of the First Army. If he upholds the convictions, an appeal will be made to the U.S. Military Board of Review. If that appeal fails, the case will go to the Military Court of Appeals, which is equivalent in the military legal hierarchy to the Supreme Court.

The defense maintains that the Vietnam war is in violation of international treaties and the U.S. Constitution. Faulkner was prevented from interjecting this question into the trial. The court ruled that the only question it would discuss was “whether the President of the United States had the authority to order forces of the U.S. to Vietnam.”

Meanwhile, two other legal approaches are being pressed in the civil courts. Last June the three GIs applied and were denied an injunction enjoining the Secretary of Defense and the Secretary of the Army from sending them to Vietnam. This denial is pending at present in the U.S. Court of Appeals.

While this appeal was before the courts the Army moved to obstruct the legal challenge in the civilian court by illegally detaining the three GIs and ordering them to board a plane for Vietnam knowing they would not comply with the order. Upon this detention Faulkner sought a writ of habeas corpus from a U.S. court on grounds that the detention was illegal. The writ was denied and is presently being appealed to the U.S. Court of Appeals.

All legal appeals are being made with the support of the Fort Hood Three Defense Committee, under the chairmanship of A.J. Muste and Staughton Lynd.

In a statement on the convictions, the committee declared, “This case is by no means closed. It will continue as long as there are legal means available to seek justice and a fair hearing for the Fort Hood Three. The committee will continue so long as these three men are under charges or imprisoned, to fight for their freedom and their complete vindication. We appeal to the American people to aid us in this fight.”

The Fort Hood Three Defense Committee is seeking funds to help in the appeal. Contributions can be sent to 29 Park Row, 5th Floor, New York, N.Y.

Related

See *Fifth Estate's* Vietnam Resource Page.

Fort Hood 3 Found Guilty, FE #14, September 15, 1966



Evelyn Kirsch
Appeals Set for Fort Hood Three
1966

<https://www.fifthestate.org/archive/15-october-1-15-1966/appeals-set-for-fort-hood-three>
Fifth Estate #15, October 1-15, 1966

fifthestate.anarchistlibraries.net