

# Fort Hood Three Has Prison Terms Lowered

Fifth Estate Collective

1967

As the result of an appeal brought on June 23 of the court-martial of the Fort Hood Three, Pvt. First Class Jimmy Johnson, Pvt. David Samas and Pvt. Dennis Mora, the sentences of Jimmy Johnson and Pvt. David Samas were reduced from five years to three. Dennis' original sentence was three years.

They were the first GIs to publicly refuse orders to go to Vietnam, and challenged the right of the government to send them to an "illegal, immoral and unjust war." They were court-martialed and are serving their sentences at Ft. Leavenworth.

The first appeal was held at the Bailey's Crossroads, Va., near Washington, D.C. Three military judges heard the appeal argued by Stanley Faulkner of New York and Captain Paul V. Melodia which was based on the violations of civil rights involved in arresting them while they were on leave after they had taken a public stand against the war, announcing that they were going to refuse to go to Vietnam, and publicly stated that they had brought suit' against the government's right to send them to Vietnam, and it was also based on the illegality and immorality of this war according to international laws and treaties.

The three were arrested and jailed a year ago July 7. High pentagon officials followed their arrest by talks about what to do with the dissenters. They were given direct orders to board transportation to the war, and refused to go to Vietnam. They were jailed, court-martialed, and given sentences and dishonorable discharges, and forfeiture of pay.

The judges asked why the men didn't wait until they were in Vietnam and given orders to fight, and then refuse. Mr. Faulkner pointed out that according to the Nuremberg trials all who participate in an immoral war where war crimes are being committed, are guilty and subject to punishment at some future tribunal.

Outside the courtroom, which was filled with sympathetic people to the men's stand, as well as some army personnel, twenty-five people picketed for several hours to Free the Fort Hood Three. Some also carried signs to Free Captain Levy, Defend the Rights of Howard Petrick, and to Free Muhammad Ali.

The Defense Committee will continue to press its suit against the government's right to send the men to - Vietnam which they stated violates international laws and treaties binding on the U. S. Government. An application for appeal to the Supreme Court will be made within two weeks.

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