

# Supreme Court to Hear GIs

**Fort Hood Three challenged government's right to send them to Vietnam**

anon.

1967

The first GIs to publicly refuse to go to Vietnam, known as the Fort Hood Three, asked the Supreme Court to hear their suit against the war, and against the government's right to send them to Vietnam.

Jimmy Johnson, 21, Dennis Mora, 25, and David Samas, 21, first brought this suit while on leave from the army in June, 1966. At that time, they made public their refusal to go to Vietnam.

Subsequently, they were court-martialed for refusal, and given three and five year sentences. Jimmy Johnson's and David Samas' sentences were reduced to three years after a first appeal late in June.

Their suit declares that had the men acted in obedience to the orders to go to war in Vietnam, they would have been guilty of war crimes. After their original action for injunctive relief was denied, they were court-martialed.

It declares that a court of law should determine whether the president is exceeding his powers, when there has been no declaration of war by Congress. The three men, it claims, should be allowed their day in court to prove that the order given to them to go to Vietnam was illegal and that they shouldn't have been court-martialed until that issue had been decided.



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