

Mutiny Trial

Giuseppi Slater

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SAN FRANCISCO (LNS)—Pvt. Louis Oszczepinski, one of 27 soldiers being tried for mutiny at the Presidio Army Base in San Francisco, attempted to commit suicide on Feb. 14. He slashed his arms four times.

Oszczepinski, along with Pvt. Lawrence Reidel, was scheduled to hear the verdict in his case some time during the week of Feb. 17 through 24. On Feb. 13, Pvt. Henry Sood, the first of the Presidio 27 to be tried, was convicted and sentenced to 15 years hard labor.

ACLU attorney Paul Halvenck best expressed it: "Military justice is to justice what military music is to music."

He was commenting on the first verdict and sentence to be delivered in the Presidio Court Martial hearings. Pvt. Henry Sood has just been found guilty of mutiny and sentenced to 15 years hard labor for joining 26 fellow prisoners in the Presidio stockade sitting quietly on the ground and singing "We Shall Overcome."

The soldiers held this nonviolent protest Oct. 14 to dramatize the subhuman conditions in the stockade and to decry the slaying of Pvt. Richard Bunch three days previously. The 19-year-old mentally disturbed prisoner was gunned down when he walked away from his work detail in an alleged attempt to escape the prison.

To the Army, however, the demonstration threatened the most holy of military precepts—obedience to authority—and charges of mutiny, most serious of all military crimes, were quickly pressed against the participants.

High Army officials persisted with the inquisition even though one of their own investigating officers recommended that the charges be greatly reduced because the Army was "overreacting" to something that was "already a miscarriage of justice."

Sood's trial undoubtedly will serve as a prototype for the ones to come. Prosecution officers continually reiterated the "awful" fact that the protestors had failed to obey orders. The defense, as in the one preceding hearing, concluded its case with the authoritative testimony of Dr. Vincent Salmon, an acoustics expert from Stanford Research Institute. His calculations established that in all probability the singing men could neither hear nor understand the command which was given them over a loudspeaker system.

Evidently, this simple fact made little impression on the military Review Board deciding the case; it took them only 35 minutes to bring in the "guilty" verdict.

Before the sentencing, defense counsels ticked off the relevant points of the case to the Board: The protest was entirely peaceful; it was spontaneous; the men had no other effective way of presenting their grievances; the Army had itself confessed that stockade conditions were "substandard"—and Sood is a 25 year old married man with three children who was due to be released from the Army in January.

But the prosecution scored more points when it advised the Board that the punishment should be sufficiently severe to serve as a "deterrent" to prevent similar occurrences.

When a military court determines a sentence, the members vote on the lightest punishment first and work their way up the spectrum of severity. Knowing this, the sympathizers filling the courtroom became increasingly apprehensive as one hour and half of another elapsed. It was taking them three times as long to pronounce sentence as to decide the verdict.

Finally the Board returned and all fears were fulfilled. Dishonorable discharge, forfeiture of all benefits, and confinement at hard labor for 15 years. Anything over ten years required approval by at least 3/4 of the Board, so the decision was probably unanimous.

Shocked spectators gathered outside the building, while MPs shoved the manacled Sood into a waiting van and quickly drove him out of sight. Attorney Halvanek told the television cameras that the sentence “was so outrageous I was shocked.” Capt. Yeary, the Army defense counsel, was standing beside him and quietly nodded his agreement. He commented: “I’m still in the Army, so I’d better not say more.”

An appeal will be made to higher military courts, and after that to federal courts if the situation is not ameliorated. Halvanek stated some of the lines of attack: Cruel and unusual punishment; the constitutionality and applicability of the mutiny statute; and suppression of evidence. But Sood will remain in the stockade for all the months and years absorbed by these procedures.

Tension in the stockade remains high. On Feb. 12 a 20-year old black prisoner poured lighter fluid on his uniform and tried to immolate himself. Pvt. John Brown was not badly injured, but the Army immediately isolated him in the psychiatric ward and denied that the incident had any relevance at all to the mutiny episode.

Also, unmentioned in the press but confirmed by reliable underground sources, is the escape of Pvts. Keith Mather and Walter Pilowski, two important leaders of the Presidio 27. They are reported to be out of the country.

Nevertheless, the Army is moving right along with the other cases, even though the outcome of this trial may well prejudice the later hearings. Pressure behind the scenes has moved the trial of Lawrence Reidel and Louis Oszczepinski, which was temporarily suspended by the Army Law Officer for further investigation into their sanity, to an imminent conclusion. In March, 17 more of the prisoners will be processed.

The Presidio hearings are a striking commentary on the social complications of Cold War strategy. In all situations of war and peace, so it seems, the military rests its case on the favorite tactic of Deterrence Through Overkill.

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