

Presidio Mutiny Case

Update

George Shuba

1969

TACOMA, Wash. (LNS)—Good news in the Presidio “Mutiny” case: Linden Blake, the third of the 27 stockade prisoners to escape while awaiting trial, has arrived safely in Canada. And the Department of the Army, feeling the unaccustomed weight of public pressure, has cut Nesrey Sood’s sentence down to two years.

Sood, the first man to be tried, was originally given fifteen years. On March 18, Sixth Army Commanding General Stanley Larsen, the man who insisted on a mutiny trial over the advice of his own legal aid, reduced the sentence to seven years.

This came in the wake of an enormous San Francisco sympathy demonstration for the accused, widespread congressional criticism of the sentence, peace movement distribution of photographs proving the “mutiny” was a non-violent sit-down, and behind-the-scenes pressure from Secretary of the Army, Stanley Resor.

Larsen was instructed to fly the transcript of the Sood Trial to Washington immediately.

Within three hours, the Army Judge Advocate, Major General Kenneth Hotson, announced a further cut in the sentence to two years.

Hotson’s hasty “review” of the matter is unprecedented; according to regulations he is supposed to pass the transcript on to a Board of Appeals so it can be studied.

Hotson’s review amounts, therefore, to a public reprimand of Larsen—who has been considered a protege of Gen. Westmoreland since his days as Commander of the 82nd Airborne Division in Vietnam. Westmoreland recently visited Larsen and is rumored to be stage-managing the mutiny trials.

At Ft. Lewis, Washington, where the trial of the 27 “mutineers” has been moved (because, as one attorney said, “The Army is on trial in this case, too, and the Army can’t get a fair trial in San Francisco.”) the prosecution was stunned by the reduction of Sood’s sentence.

When the Court reconvened on March 19, David Lowe, speaking for the group of six defense attorneys, asked for an immediate continuance “so we can sit down with the prosecution and see if we can work out a deal in the light of yesterday’s events. Of course I mean a ‘deal’ in the finest sense...”

At this point, the Law Officer, Col. John G. Lee of Coffeerville, Miss., asked the prosecutors if they wanted to renegotiate.

Captain Fred Novinger, the chief prosecutor, nodded vigorously and admitted, “I was as surprised last night as anybody else. I’d like to make a few calls and find out what it all means.”

It presents, of course, quite a dilemma for an ambitious career officer like Novinger—as well as for the five-officer judge’s panel—when their superiors come into conflict. Whose wishes to follow: General Larsen or the Dept. of the Army?

The deal Lowe and his colleagues offered Novinger was: their clients would cop a guilty plea if the charges were reduced to willful disobedience and a one-year sentence imposed.

Novinger phoned Larsen (when in doubt, be true to your immediate superior) who said that the only deal he’d accept would be: a guilty plea to the mutiny charge in exchange for a five-year initial sentence.

This was unacceptable to the defendants and negotiations broke down. The trial resumed Thursday, March 20, with the prosecution calling stockade commander Robert Lamont and his ranking NCO, Sgt. Thomas Woodring, to restate their version of the Oct. 14 sit-down.

Woodring, in his eagerness to condemn the defendants, may have actually weakened the prosecution's chances of singling out leaders for special blame.

"They all left formation simultaneously," he testified, "chanting 'Freedom' or something like that...they all participated vigorously."

Defense counsel Capt. Joseph Choate, asked, "Did you personally go around and make sure every individual was singing?" Did you say to yourself, "There's Private Swanson singing, there's Private Hayes singing?"

Woodring answered "Yes, sir."

All 27 made the "peace sign" too, he testified.

"Are you familiar with Winston Churchill and his V for victory sign?" asked Defense Counsel Capt. Brendon Sullivan. Woodring said he was.

Sullivan then asked him to make a peace sign with his left hand and a victory sign with his right. Woodring spread his arms. "Now which is the peace sign?" Sullivan wanted to know.

"When I make a V," Woodring replied, "since I am a militant, it is a V for victory in Vietnam and victory all over the world for the United States Army. I believe I am incapable of giving a peace sign."

Capt. Lamont didn't advance the prosecution case any more effectively. He admitted that the men "were singing as loud as they could" when he read them the mutiny article.

And he said "I thought it was inappropriate to reason with them because of their disorderly behavior"—explicitly flouting the Army directive which instructs commanders to reason with men participating in disorders.

Lamont later reversed himself and said he had tried to reason with the men—by reading them the mutiny article! "My objective was to shock them," he testified.

The five men on trial at Ft. Lewis are Rick Dodd, Harold Swanson, Michael Murphy, William Hayes, and Ed Yost.

All except Yost want to argue that their actions of Oct. 14 were necessary and just. (The sit-down was to protest the shotgun killing of a fellow prisoner and stockade conditions: previous attempts to complain "through channels" had been ignored.)

An important element in Yost's defense is that he couldn't hear Lamont's order to disperse. At the time the order was read, the men were singing "This Land is Your Land."

Yost, moreover, had sustained severe ear damage. He was point-man 19 times on infantry patrols in Vietnam, and eventually stepped on a mine. He was awarded the Combat Infantry Badge and a Purple Heart.

Yost's lawyer, David Lowe, seems keener than his co-counsels to introduce an element of apology into the defense.

Terence Hallinan, civilian attorney for 14 of the defendants who come to trial April 7, insists that he won't ask any kind of deal for his clients.

"We've got the Army in a situation where they've made a demonstrably false charge and we can prove that it's false. They want to back down slightly, but there's no reason why we shouldn't force them down all the way."

Lowe thinks that Hallinan's repeated assertion—"these 27 men are heroes" actually jeopardizes them in the eyes of the judges. Lowe has expressed his willingness ("eagerness" would be unethical) to represent some of Hallinan's clients during the April trial.

Two of the 14 men awaiting trial seem tempted by Lowe's overtures, but the others are firmly committed to Hallinan.

It was Hallinan, they feel, who made the case into a major political event.

Only his approach holds out the hope of ultimate victory: a reversal of all the mutiny convictions.

Upon reaching Canada, Linden Blake described an episode that sheds light on the mood of the prisoners.

Randy Rowland and Richard Duncan had been with him in the hospital confinement wing when Blake sawed through the bars of a window to escape. Both men had been AWOLs in San Francisco and knew the area well enough to survive with ease.

Nevertheless, they chose not to escape. They decided to stay in the interest of group solidarity and in the firm hope of ultimate victory.

And last week, when Ed Yost's mother leaned over the bar and urged prisoner William Hayes to switch to the repentant line, he replied, "But, ma'am, we were right. And if it came right down to it again, I guess I'd do it again."

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