

March 4, 1969

SAN FRANCISCO MUTINY COURTS-MARTIAL BEGIN

Fifteen years at hard labor is the average sentence imposed upon three men of a group of twenty-seven who are charged with mutiny for holding a sit-down strike which lasted less than an hour last October 14th. All twenty-seven were prisoners in the Presidio Stockade in San Francisco on various charges, most of them for having been AWOL. The men linked arms, sang "We Shall Overcome" and sat down during a morning roll call two days after one of their fellow prisoners was killed with a shot-gun by a guard. They took the action to protest the killing, the army's response to it, the over-crowded, substandard stockade conditions and general mis-treatment by the shot-gun carrying guards. The courts-martial for mutiny will continue through March; one is in progress as this is written. Thus far a total of forty-five years imprisonment have been imposed.

The dead man was Richard Bunch, a nineteen year old private from Ohio, who had several times tried to end his life. A number of hand-scrawled notes were found among his belongings which clearly indicated his suicidal intentions. On the day he was killed, he had been forced out to work under threat of having his crucifix taken away. He asked a guard what would happen if he ran from the work detail. He was told he would have to try to find out. After instructing the guard to aim for his head, Bunch ran and was felled by the guard's shot-gun when no more than twenty yards away. Other guards could have stopped him physically without a shot being fired; the guard who killed Bunch did not utter an order to halt. The army termed this "justifiable homicide" within the day.

During the sit-down, the prisoners attempted to read a list of grievances to the stockade commander, twenty-five year old Captain Robert S. Lamont. He in turn read to them the section of the Uniform Code of Military Justice pertaining to mutiny. Evidence at the courts-martial indicated that this was not heard by the prisoners, and in fact was virtually inaudible. On this admitted attempt by Captain Lamont to produce a "shock effect" upon the men, the Army has based proceedings without parallel in the history of the United States Armed Forces. Within a week of the event, the Army was preparing the mutiny charges, for which preliminary hearings began on November 5th. The officer in charge of these hearings, Captain Richard Millard, reported his findings to superiors, including the Commanding General of the Sixth Army, Lt. General Stanley Larson. They chose to ignore the recommendations. Millard had determined that the mutiny charges were unfounded and unjust and recommended that they be dropped. He pointed out that five of the six to come before him had been recommended for discharge by Army psychiatrists. A portion of his report follows:

The charge of mutiny under article 94 does not apply to the facts of 14 October 1968. There are 3 elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element is absent in the present case. I find, however, there are facts sufficient to sustain a charge of willful disobedience under article 90 of the Uniform Code of Military Justice, a lesser included offense of mutiny under Article 94.

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In my opinion, this case has been built up out of all fair proportion. To charge (these men) with mutiny, an offense which has its roots in the harsh admiralty laws of previous centuries, for demonstrating against the conditions which existed in the stockade, is, in my opinion, an overreaction by the Army and a misapplication of a statute which could lead to a further miscarriage of justice...The two basic reasons for the imposition of punishment are to deter crime and to rehabilitate offenders...It is very questionable whether any long term confinement is likely to be effective in rehabilitating (these men)...As far as deterrant to crime is concerned, I feel that a six month sentence, which is the maximum a Special Court-Martial could adjudge, is an adequate deterrant against demonstrations such as the one that occurred on 14 October 1968. If it is not adequate, then the focus of the command should be on those conditions which lead to such demonstrations, for in my opinion, one does not give up six months freedom to participate in a short demonstration unless the conditions leading to the demonstration are compelling.

There is ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to the standards we should expect...Considering all the facts, including the nature of the disturbance, the conditions which existed in the stockade, the military service of the accused, the mental state and character behavior of the accused...and the unlikelihood that punishment will have any rehabilitative effect, and the established policy that trial by General Court-Martial will be reserved to only when the charges can be disposed of in no other manner consistent with military discipline, I recommend trial by Special court-martial, or as an alternative, separation under AR 635-212, which would be to the benefit of both the Army and the accused.

General Larson, Captain McMahon, the Post Commander, and Col. James Garnett of the Sixth Army Legal Office, rejected this report and recommended General Court-Martial for mutiny. No reason was given for the rejection. In addition, General Larson has repeatedly refused to meet to discuss the case with such prominent figures as Bishop Charles Golden, of the United Methodist Church in San Francisco, the Rt. Rev. C. Kilmer Myers, Episcopal Bishop of the Diocese of San Francisco, and Mr. Josiah Beeman, Legislative Assistant to Congressman Philip Hart.

Almost all reports agree that conditions at the Presidio Stockade are poor. Often there have been as many as one hundred and forty prisoners in space designed for eighty; rations have been short. During the six month period ending November, 1968, there were thirty-one suicide attempts by twenty men, many of which were near fatal. There have since been more. In fact, during the first series of courts-martial, one of the men on trial slashed his wrists. All these have been dismissed as "suicide gestures" by the authorities. Army psychiatrists have recommended discharges, but the Army has not acted upon such recommendations.

Shortly before the mutiny courts-martial began on January 28, 1969, forty-five religious leaders issued a statement under the sponsorship of CALVAV that called the mutiny charge "inhumane and intolerable". The signers of the statement protested the Army's behaviour in the case and their refusal to recognize the human and psychological needs of the young men. The religious leaders demanded that "the Army immediately drop the mutiny charge". There has been no response from the Army to this statement.

These are the young men who have been tried so far:

Nisrey Sood, twenty-six years old, father of three, from Oakland, California, in the stockade originally for being AWOL to care for children who were being neglected by his wife; sentenced to fifteen years at hard labor, forfeiture of pay and allowances

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SAN FRANCISCO MUTINY COURTS-MARTIAL, CONTINUED

and dishonorable discharge.

Lawrence Reidel, twenty years old, from Northern California, comes from a broken home, recommended for discharge by Army psychiatrists, one of whom stated that he had severe mental problems, sentenced to fourteen years at hard labor, total forfeiture of all pay and allowances and dishonorable discharge.

Louis Osczepinski, twenty-one years old, from Florida, NY, one of eleven children, father crippled, family on welfare, recommended for discharge by army psychiatrists, slashed wrists during courtmartial, sentenced to sixteen years at hard labor, forfeiture of pay and allowances and dishonorable discharge.

One man is being court-martialed at Fort Erwin in the middle of the Mojave Desert as this goes to press. Five more will begin their court-martial on March 5th and the remaining sixteen on March 18th. (Two of the original twenty-seven escaped from the Presidio on Christmas Eve and have not been located.) Those sentenced have already begun serving their time at Fort Leavenworth, Kansas.

The sentences imposed are subject to review by the Army. First, General Larson has the options of increasing or decreasing the sentence or dismissing the charges altogether. Next, Stanley Resor, Secretary of the Army, has the same options available to him. Finally, there is an appeal process of civilian courts, culminating in the U.S. Supreme Court.

There is every indication that the Army is desperate to make an "example" of these men. Such punitive sentences and vindictive charges can indicate nothing else. Particularly on the West Coast where many men are shipped to Vietnam, the Army has severe problems stemming from dissent within its ranks because of the war. Because of its desperation, the Army is also sensitive to criticism, especially from the Congress, the general public, and the press.

➔ WHAT CAN BE DONE? ACTION IS DEMANDED! ➔

This sensitivity to pressure indicates that the most meaningful protest will take the form of letter, telegram, telephone calls and visits to persons in authority. We suggest and strongly urge that the following be done:

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CONGRESS: Write, telephone, or telegraph your representative and senators; call the situation to their attention; suggest that they make official inquiry to the Department of the Army; suggest that they begin an immediate congressional investigation of the Army's role; demand that they do all in their power to stop the mutiny proceedings and dismiss the sentences imposed as well as the charges; urge that the recommendations of Captain Millard be followed. Indicate your outrage at the inhumanity and injustice of the charges and sentences. Special suggestion: Determine when your representative will next be in your district, make an appointment and discuss this matter in person with him. If possible, the same could be done with your two senators.

ADDRESSES: Senator _____ Congressman _____
U.S. Senate U.S. House of Representatives
Washington, D.C. 20510 Washington, D.C. 20515
telephone: 202-224-3121

THE ARMY: Write, telephone or telegraph the two men who have review power over the court-martial proceedings. Urge them to exercise this power, noting the appropriate points above. Particularly emphasize that the recommendations of Captain Millard be followed. Protest strongly the role of the Army in these affairs. Note: of these two men, Resor is the more important.

ADDRESSES: Stanley Resor
Secretary of the Army
The Pentagon
Washington, D.C.
(202) LI 5-6700

Lt. General Stanley Larson
Commanding General, The Sixth Army
The Presidio
San Francisco, California 94129

OTHERS: Appeals to the Secretary of the Army and to the President will certainly help. Write, emphasizing the appropriate points above.

ADDRESSES: Secretary Melvin Laird
Secretary of Defense
The Pentagon
Washington, D.C.

President Richard M. Nixon
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C.

Please write to all or as many of the above as possible. Please urge others to do likewise. This is surely one of those cases in which the investment of the hour it would take to write five or more letter has the potential of significant effect. This pressure, however, must be massive in numbers and strong in substance. Please send a copy of your letters or verification of action taken to the national CALCAV office so that we may publicize the extent of protest.

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