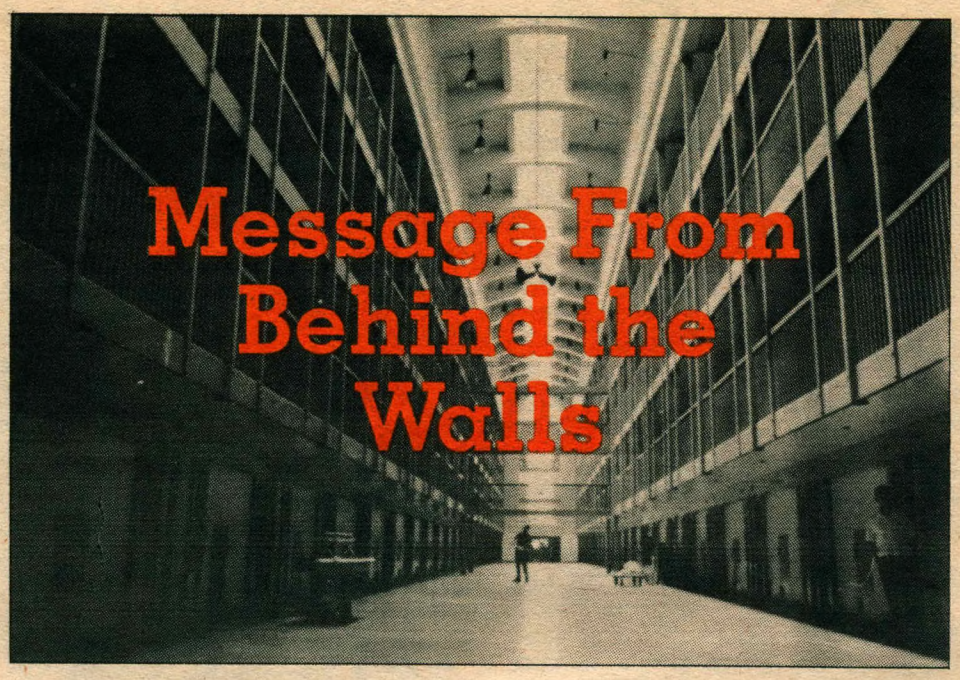
Message From Behind the Walls



by Steven Thomas (#518-88-7548)

I would like to thank Citizen Soldier for printing my last report in ON GUARD. The United States Disciplinary Barracks (USDB) continues to violate our Constitutional rights to both receive and read ON GUARD. The officials justify their actions by stating that the newspaper sometimes violates prison policy by allowing prisoners to read details about a fellow inmate's offense and sentence, as this inmate is somehow being "exploited."

They never explain how someone could possibly be exploited simply by having his or her story printed in ON GUARD—especially when it's with their permission. Sometimes we do not receive our papers even when an inmate's story has been cut out of the paper by the publisher.

I would like the administrators to explain why we are allowed to read articles about military courts-martials in other newspapers when these people are very likely to be confined here in the near future? Perhaps it's because USDB administrators don't like Citizen Soldier's advocacy of prisoners' rights?

For prisoners who are already discharged from the military, the USDB offers virtually no administrative channels for redress of grievances against prison commanders. All prisoners are subject to penalties administered under the Uniform Code of Military Justice (UCMJ) while serving their sentences and those who have not yet been discharged by the military can use Article 138 of the UCMJ in an effort to resolve grievances they may have.

However, those who have already been separated from the military but who still have time to serve, are not allowed to use Article 138 for resolution of these types of grievances. As Commandant George H. Braxton (since departed) told me, "Article 138 provides a means for seeking redress for wrongs by a commander to any member of the armed forces. Since you have been discharged from the Army, you no longer have this right and I will not take action on your request."

We feel that it's terribly unfair that those who have been separated from the military are not afforded equal protection under the law. It seems as if prison officials are simply picking and choosing which sections of the UCMJ to apply to different categories of people.

This raises the issue of whether the military has jurisdiction over prisoners who have been discharged once they've exhausted their appeals within military channels. Article 2 of the UCMJ states that "Persons serving a sentence imposed by courtmartial are subject to this chapter." However, the last sentence of this Article states "until such person's active service has been terminated in accordance with law or regulation promulgated by the secretary concerned." Army Regulation 190-47 states that "Pending completion of appellate review, an individual remains subject to the UCMJ to the same extent as other persons in a duty status." I feel that Article 2 of the UCMJ and Army Regulation 190-47 imply that the military does *not* have jurisdiction over "civilian" prisoners. So why are those who have been separated from the military still subject to any and all penalties imposed under the jurisdiction of the UCMJ?

In addition, prisoners do not have access to an adequate law library, making it very difficult to challenge the USDB's policies and practices. Also, the USDB refuses to provide any legal assistance whatsoever to those who wish to challenge conditions of their confinement.

We must also act as our own lawyers when we challenge the judicial system. In 1979, according to the *Prisoner's Self-Help Litigation Manual*, federal courts dismissed 9,943 out of 10,301 complaints filed by prisoners acting as their own attorneys. It is very depressing and the odds are obviously not in our favor.

To top it off, we are routinely denied the use of typewriters, photocopying machines and, in some cases, even carbon paper. This forces us to submit handwritten briefs, complaints, etc., to the court, many of which are hundreds of pages long!

There's a board called the Custody Reduction Board within the USDB; it is similar to the Discipline and Adjustment Board. The commandant can convene the Custody Reduction Board to decide whether a prisoner's type of custody should be changed. This is determined by overall attitude and behavior. In practice, it has become another way to punish an inmate even if he or she hasn't violated any institutional rules.

I believe that the Custody Reduction Board violates prisoners' Constitutional rights in three ways: (1) there is no minimum standard of proof required before it can rule against an inmate; (2) decisions of this Board may not be appealed, although decisions of the Discipline and Adjustment Board can be appealed; (3) USDB administrators use Custody Reduction Boards as a means of disciplining prisoners for misconduct. Even though an inmate may be found innocent by a Discipline and Adjustment Board hearing, his grade of custody can still be reduced. This is not justice!

I also feel that ON GUARD readers should know that the lives of prisoners and guards are endangered by grave structural defects within the prison. For instance, within the "castle," (a main building) there is a hole approximately 2' x 2' in the ceiling on the fourth tier of the rotunda. The hole has been there nearly four years—allowing bats and birds to fly inside. Walls within individual cells leak water, providing a natural habitat for fungus, roaches, rats, mice and beetles.

The "castle" dome's broken windows have not been replaced; winters in Kansas are no picnic! The dome itself is cracked through the middle and could come crashing down at any time. Bricks fall from the roof in various housing units, narrowly missing inmates as well as guards on several occasions.

After dining facilities were built in one area of the prison called 4-Base, inmates no longer get any circulation of fresh air. All the windows have been bolted shut and recently there was a fire in this area. Prisoners were lucky that there were no injuries from smoke inhalation since there was no way to clear it out.

There are no fire escapes in 4-Base or in any of the housing units which means that the buildings can't be evacuated if a fire should spread to the stairwells. A major catastrophe could be averted simply by installing fire escapes within the USDB.

Although there are many problems within the USDB, there are some positive things worth mentioning. USDB prisoners have the opportunity to enroll in many different educational programs, from college classes, computer training, to vocational courses and high school equivalency degree programs. There's relatively little violence among prisoners here.

I would like to close by raising some additional issues for ON GUARD readers to think about. Why is the USDB not accredited by the American Correctional Association? Why is the USDB not under the control of the Federal Bureau of Prisons? It is, after all, a federal military prison. And why doesn't its parole program fall under the United States Parole Commission's jurisdiction as do the programs of other federal institutions?

We feel that it is time for USDB administrators to begin to examine these and other issues raised in this article. This is the first step and it's needed now. □

Bailey Denied CO Status

by Tricia Critchfield

Attorneys for Army Lt. Bob Bailey are planning a federal court action in Birmingham, Alabama to request that a federal judge release him from military duty.

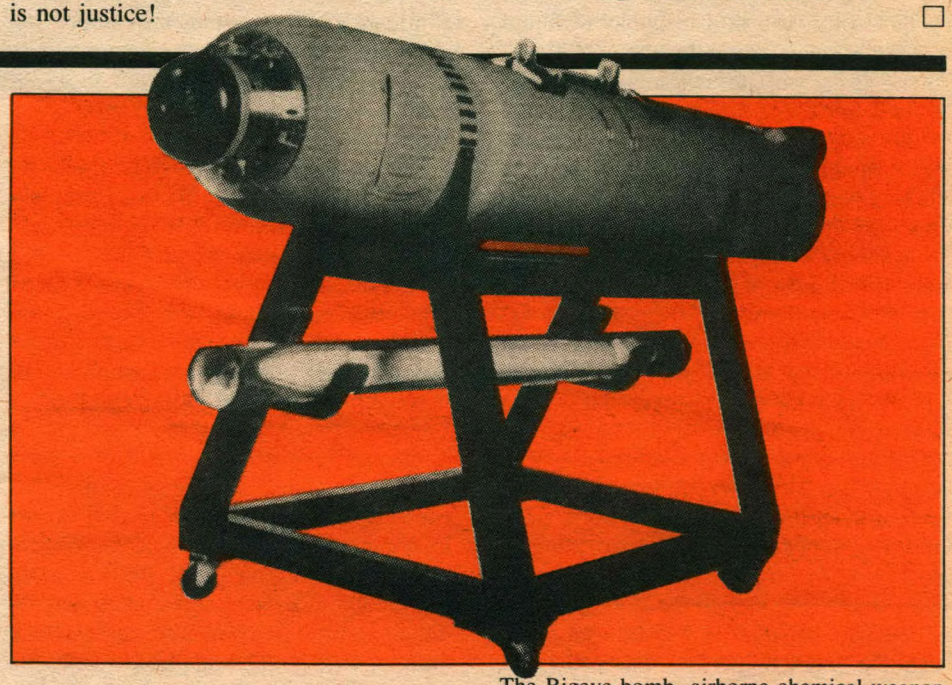
Last December, Lt. Bailey filed for discharge as a Conscientious Objector, along with filing a formal request for an official board of inquiry to probe whether Rear Admiral Poindexter and Lt. Col. Oliver North transferred any chemical weapons to Iran in the "Iranscam" operations (see ON GUARD #4).

The Conscientious Objector Review Board at the Pentagon has denied Bailey's claim despite the fact that, upon undergoing extensive interviews with both Major General Watson (commandant of the U.S. Army Chemical School at Ft. Mc Clellan, Ala.) and the base chaplain, Lt. Bailey was found to be sincere in his beliefs.

According to Citizen Soldier attorneys, it is contrary to law for the Army to refuse to release a Conscientious Objector from service. A federal judge has the authority to order this release if an individual has been wrongfully denied a CO discharge.

It is highly unlikely for the Pentagon to reverse the recommendation of a major general. Attorney Louis Font claims that Lt. Bailey is purposely being punished by the Army because he has publicly voiced his opposition to Nuclear, Biological, Chemical (NBC) warfare training and also to the possible criminal activities of superior officers Poindexter and North.

Meanwhile, Bailey has been assigned to duty which does not require him to either bear arms or plan for chemical and biological war. He remains resolute in his convictions, knowing his beliefs and actions are sincere and having faith that justice will prevail and the decision of the Review Board will be overturned. □



The Bigeye bomb, airborne chemical weapon

Ask the Lawyer

by Louis P. Font

Q. My commander, who is an Army captain, has taken several actions against me which I believe are contrary to regulations. What can I do to contest this injustice?

One possible course of action is to write a letter to your commander, asking him or her to correct the wrong committed against you. Be sure to mention at the beginning of the letter, that you seek this redress pursuant to Article 138 of the UCMJ. You should also indicate what regulations you believe have been violated by the individual involved. At the end of your letter, let the commander know what particular corrective action you seek and state that if he or she refuses to provide such redress by a specific date, you intend to file a formal complaint of wrong against him or her under Article 138, UCMJ. Be sure to keep copies of your correspondence.

If you do not receive a written answer by the specified date, or if the answer you do receive is unsatisfactory, then file the formal complaint. This formal complaint is simply another letter. This letter is addressed to the officer who is the general court-martial convening authority over the commander you are complaining against. In an Army situation, this may be the post commander or another similarly high-ranking person. If you cannot easily find out the name of the person to whom your formal letter of complaint should be addressed, simply address it to the "General Court-Martial Convening Authority over [name of commander]" and pass it up the chain of command.

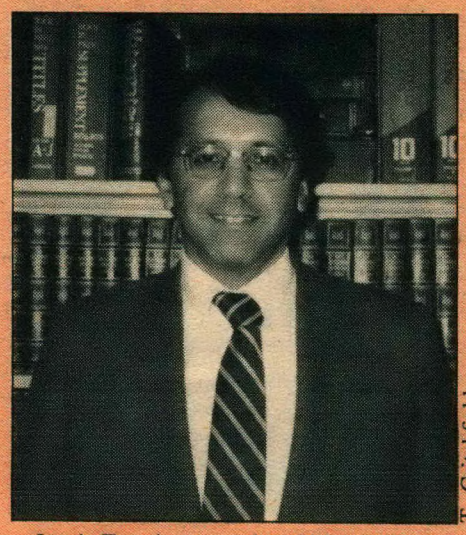
You may also want to send a copy via certified mail, return receipt requested, directly to the general court-martial convening authority to make certain that the complaint finds its way to that officer and is not "short-stopped" by the chain of command. Also the postal return receipt serves as a dated receipt, showing the date your letter was received by the higher-ranking commander.

As you can see, an Article 138 complaint is a two-step process: first a letter is addressed to the person (commander) you are complaining against, giving that person a chance to rectify the injustice suffered by you; and then, if redress is denied, a formal complaint letter is addressed to the officer in the chain of command, who has general court-martial convening authority over the officer you are complaining against. The higher-ranking officer is supposed to investigate and provide you with the results of his or her investigation.

Article 138 was designed to be a powerful tool in the hands of a knowledgeable member of the military community. As you know, almost every commander wants to keep any problems or embarrassment or even potential embarrassment within his own unit and not allow higher-ranking officers to know that subordinates have complaints.

In practice, however, the military services often "kick back" Article 138, UCMJ, letters and complaints "without action." At the slightest excuse the paperwork will be returned to you. While the law, as passed by Congress, (Article 138, which is Title 10, U.S. Code, Section 938) is broad, the services have created regulations in an attempt to restrict the use of Article 138. If, for example, your complaint is that you were wrongfully punished under Article 15, UCMJ, the Army will kick the complaint back to you, saying that under regulations Article 138 cannot be used for purpose of rectifying an Article 15 punishment.

Be sure that your complaint is against a commander in your chain of command. If the person who wronged you is not a commander, then consider seeking redress of wrong from the person in the chain of command who is commander over both you and the person who wronged you. In that case, make your request for redress to the commander on the basis that the commander wronged you by failing to properly control or supervise or train the person subordinate to him. Remember, under military doctrine, a commander is responsible for everything that takes place in his unit.



T. Critchfield

Louis Font is counsel to Citizen Soldier. He is a civilian practitioner of military law. He is a graduate of West Point, the U.S. Military Academy (1968). He graduated from Yale Law School (1975). His offices are located in Cambridge, Massachusetts.

Despite the pitfalls and limitations in pressing a complaint under Article 138, UCMJ, it is possible for Article 138 to be used in a meaningful fashion. In a case handled by Citizen Soldier a Navy sailor complained to the Chief of Naval Operations about a toxic substance (cellulube) aboard an aircraft carrier. He and others had been required to clean up this nerve agent with their bare hands, which was contrary to Navy policy and regulations. The Navy held proceedings in Norfolk, Virginia, under Article 138, at which time the complaining sailor and other persons testified before a board of three officers appointed as fact-finders by the general court-martial convening authority. The results substantiated the allegations made against Navy commanders, and as a result, the Navy honorably discharged the complaining sailor (which is what he wanted) and banned the use of cellulube from aircraft carriers.

Q. Is it true that the Supreme Court recently refused to allow a former Army enlisted man to sue the government for having injured him by purposefully giving him LSD while on active-duty?

Yes. In the very recent case of *United States vs. Stanley,* the Supreme Court upheld the *Feres* doctrine, which was discussed in this column in issue #2. Under that doctrine, a person on active-duty is not allowed to sue for service-related injuries. In the *Stanley* decision, the Supreme Court held that Mr. Stanley could not sue for damages although the military had purposefully and without his knowledge given him doses of LSD which caused him to act irrationally and suffer greatly while in-service and for a period of years after discharge. The majority opinion relied heavily upon the premise that to allow lawsuits for damages against military officials would undermine military discipline.

This ruling means that commanders and other military persons will not be held financially accountable by the courts for negligent or purposeful damage inflicted upon servicemembers. Citizen Soldier believes that Congress should move quickly to amend the law, so that soldiers, sailors, airmen and women can be compensated for damages caused by negligent and purposeful actions by military officials. Citizen Soldier urges all members of the armed forces to write to members of Congress, urging congressional action to rectify this egregious situation. As stated by Justice Sandra Day O'Connor, in dissent, in the *Stanley* case, "The conduct alleged in this case is so far beyond the bounds of human decency, that it simply cannot be considered a part of military discipline."

While suits for damages by military personnel are barred, servicemembers can still seek the limited financial compensation available through military medical boards and V.A. claims. □

U.S. Resister

Continued from page 1

had a cumulative effect on Daniel. "I attended a meeting at St. John's Cathedral in Omaha where some local people who'd returned from Guatemala spoke. I was told of some of the horrible things that were happening there. Learning about these events caused me to wonder about my role in the Air Force," Daniel explains.

A few months later, Daniel helped translate for a refugee who had fled the bloodshed in El Salvador. "After that, we'd run into each other at various gatherings," he relates. "Because of our common bond we were drawn to each other. He told me of his government killing fourteen people in his family, along with his best friend. He described the horror of walking along country roads and finding tortured and mutilated bodies and the outrage of his government systematically bombing his people."

These encounters deeply affected the young airman. "I felt that my job had a hand in causing the dreadful conditions they were fleeing," Daniel recalls. He was also impressed with the strength, hope, and courage of a refugee who'd obviously suffered greatly.

A month of temporary duty in Panama also left a deep impression on Daniel. "The poverty of the people was staggering and hearing my fellow airmen make light of their condition embarrassed and disgusted me," Cobos states. "It became hard for me to look Panamanians in the eye because I began to see myself as a mercenary."

After he returned from Panama, Daniel encountered his refugee friend at a sanctuary dinner. "He asked me where I'd been for the past month. For the first time, I told him that I was in the Air Force and that I'd been in Panama. He looked me straight in the eye and said, 'so you are the one who has been bombing my country.'"

> "It became hard for me to look Panamanians in the eye because I began to see myself as a mercenary."

Since filing his request for discharge as a conscientious objector (CO) Daniel has been surprised by the reaction of his peers. "Several guys I've flown with said that they would have done what I did if they didn't have families to worry about." A few of Daniel's co-workers who are Hispanic expressed understanding about his special concern for their people. When Daniel told his parents about his decision they were confused by it, but underscored their strong personal support for him.

Once he filed as a CO, he was grounded and his security clearance was lifted. He is currently assigned to clerical duties at Offutt AFB while his application is being considered. This process can take months. If Cobos' CO claim and request for discharge is denied, he could then be faced with a difficult choice regarding future orders.

Louis Font, an attorney with Citizen Soldier, a GI/veterans advocacy group based in New York City, is representing Daniel. "We intend to raise as a defense, Daniel's legal duty not to participate in military operations which violate international law," Font commented. Another legal issue raised by Sgt. Cobos' case is whether the Pentagon has violated US criminal statutes by providing the contras with the fruits of these spy flights. The Boland Amendment which was in effect from October '84 to October '86 (during the period Daniel was flying missions) prohibits "direct or indirect" assistance to the contras by the Pentagon or "any agency involved in intelligence activities."

Congress' recent "Contragate" hearings have focussed, in part, on whether or not the Reagan Administration evaded the Boland law by using the National Security Council as a command center for assisting the contras. "Until now, the hearings have highlighted private fundraising for the contras. Cobos' testimony is hard evidence that the Pentagon provided them with *direct* aid during a period when it was against the law," Font argues. "We are in the process of briefing Congressional staff members on this evidence so that they can conduct an appropriate investigation."

On June 16, Cobos was summoned by his commander and warned that he faced criminal prosecution if he disclosed anything about his military activities. Agents from the Office of Special Investigation (OSI) have visited the base and interrogated other linguists about Daniel. Apparently Daniel's allegations of criminal conduct at the highest levels of the Pentagon are making some officials uncomfortable. □

New Book Documents US Plan for Nuclear First Strike

by Tricia Critchfield

If you've ever wondered what terms such as SALT II, MX, Pershing or Cruise missiles, Decapitation, Launch on Warning, SDI/Star Wars, "Peace Through Strength," Nuclear Freeze, First Strike mean, you are not alone. And, if after having become familiar with the meanings, perhaps you've begun to ask questions such as; 1) why has the US been the only country to drop the atomic bomb? 2) for what reasons do our leaders distrust and dismiss any peace initiative proposed by other nations? 3) who makes these decisions and 4) what assumptions about the world do these people rely upon?

If indeed, thoughts like these have crossed your mind, then *To Win A Nuclear War: The Pentagon's Secret War Plans,* by Michio Kaku and Daniel Axelrod, is highly recommended reading.

Kaku and Axelrod do a thorough job of demystifying nuclear terminology. They divide American nuclear policymaking into three major epochs and by using recently declassified documents, analyze the overarching strategy guiding civilian and military decision-makers within each period. Class background, political connections and significance of organizational memberships of those who *really* make foreign policy are examined.

These decision-makers constitute what the authors call a "permanent government"—a small group of insiders, loosely centered around the private Council on Foreign Relations, who have continually rotated in and out of government for the past five *decades,* regardless of who is President or the composition of Congress.

Since the dawn of the nuclear age, warplanners in every administration have operated in accordance with the supreme principle of Escalation Dominance—a term coined in the 1950s by nuclear strategists at the Rand Corporation. Escalation Dominance is the ability to threaten or coerce other nations through controlling lower levels of conventional conflict by being capable of dominating the next level of escalation of violence. Kaku and Axelrod cite many instances where Presidents have seriously threatened to strike first with nuclear weapons.

The principle of Escalation Dominance essentially reduces US foreign policy to a nuclear poker game; players are locked into a series of escalating threats and nuclear superiority at all levels is crucial in order to back up the bluffs. Deterrence is simply a misnomer. Even Ronald Reagan understands the stakes in the nuclear card game:

"No one would cheerfully want to use atomic weapons. But the last person in the world that should know we wouldn't use them is the enemy. He should go to bed every night being afraid that we might."

Kaku and Axelrod's analysis of Escalation Dominance helps readers understand why the US has refused to sign an agreement stating it will not be the first to use atomic weapons, why we possess so many and why there is such a variety of them, as well.

The first era of nuclear policymaking (1945–1960) reflects the strategy of Massive Pre-emption; this strategy is also often referred to as "Massive Retaliation." According to the authors, while the option for

a preventive war (a surprise attack on the Soviet military machine) was ruled out, President Eisenhower kept open his option for a pre-emptive nuclear first strike (attacking first with nuclear weapons in response to an aggressive conventional Soviet move).

During this era, war-makers considered using atomic weapons in incidents involving China, Korea, Vietnam, Berlin and the Middle East. The Top Secret, Eyes Only minutes of a National Security Council meeting on March 31, 1953, state that,

The President then raised the question of the use of atomic weapons in the Korean War. "Admittedly," he said, "there weren't many good tactical targets, but he felt it would be worth the costs, if, through the use of atomic weapons, we could achieve a substantial victory."

And Eisenhower was known as the "peace candidate"? It's hard to believe!

Upon losing its nuclear monopoly, war planners were forced to accept the fact that launching a nuclear offensive was suicidal, since American weapons during this time were not sophisticated enough to be used to coerce other nations by threatening to fight and *win* a nuclear war. Therefore, from 1960–1974, Mutual Assured Destruction (MAD) became the de-facto strategy.

However, at no point during this era did the war-makers stop planning for a first strike capability. Under Secretary of Defense Robert McNamara, America's nuclear arsenal underwent its most dramatic growth in history. Kaku and Axelrod point out that McNamara personally supervised production of a galaxy of new "counterforce" weaponry, laying the foundation for the drive to attain credible first strike capability in the 1980s.

In their efforts to attain this capability policymakers have, since the mid-seventies, relied upon "counterforce" strategy. According to the authors, Secretary of Defense at the time, James Schlesinger drafted a National Security Decision Memorandum in 1974 directly calling for an end to the stalemate called MAD and openly embracing counterforce and nuclear war-fighting. He called for a program "to acquire precision instruments that would be used in a limited counterforce role."

To Schlesinger "precision instruments" meant developing precision-guided missiles which could threaten other missile silos. Kaku and Axelrod credit Schlesinger with setting into motion the development of a "super missile" [now called the MX] which could reliably place a hydrogen bomb within a few hundred feet of a Soviet missile silo. In other words, the Defense Secretary was calling for attainment of a first strike capability.

Today when we think of first strike, Reagan's "Star Wars," otherwise known as the Strategic Defense Initiative, immediately comes to mind. Star Wars basically consists of a space-based anti-missile shield around the US which can detect, track and shoot down Soviet Intercontinental Ballistic Missiles (ICBMs) soon after they have been launched.

Kaku and Axelrod do a thorough job of explaining how components of Star Wars function, problems with the system and assert that it is actually the "missing link" to first strike capability, locking the US into another round of the Escalation Dominance poker game.

"The Star Wars system is not defensive at all and the war-fighters intend to develop it for the same reason all the other war-fighting weapons were developed: to increase the "threat value" of the US arsenal, in order to dominate and control political conflicts. By pairing an offensive capability to disarm the enemy with the defensive capability to absorb a retaliatory attack, the Star Wars system provides the missing link in a first strike capability."

Although this book is a hard-hitting account of US war-making intentions, Kaku and Axelrod do not leave readers with a sense of dispair. They encourage public awareness and debate about these issues, as well as pointing out that public opinion and active opposition to reliance upon nuclear solutions places constraints upon the war-makers' plans. □

To Win A Nuclear War *is published by South End Press (1987), 116 St. Botolph Street, Boston, MA 02115. $11.00.*

Sailor Wins

Continued from page 1

changed in the 17 years since he wrote his book. In particular, he said that military courts, more than any others, tend to lean towards the prosecution's point of view.

INSULAR JURY SELECTION

Rivkin's most recent case was the court martial of Navy marching band member David J. Gardner, who was charged with failing a urinalysis test for marijuana.

Unlike civilian juries, which are randomly picked from election rolls, military tribunals are chosen in a complex process ultimately overseen by the base commander, in his capacity as the convening authority of the court.

Lower commanders prepare lists of the officers available for jury duty and submit them to the commander. The commander then checks the officers for such subjective qualities as age, experience, training and judicial temperament.

But ultimately, Rivkin said, "the commander can pick almost anybody he wants."

Rivkin said that the initial officers empaneled in the Gardner case were people who worked directly with the commander, including the base's security officer and administrative officer. Also, many of the potential jurors had sat on courts martial before.

"It just didn't have the appearance of a fair and impartial jury. . . ," Rivkin said. "That's not the way the jury system is supposed to work."

Rivkin and his military co-counsel were able to find a panel of acceptable jurors, though, by spending more than a day in a selection process which he said is normally a perfunctory procedure in courts martial.

CHALLENGING ADVERSE SELECTION

"If civilian lawyers are going to argue in military courts," Rivkin said, "they should be prepared to raise the issues of command influence and improper selection of court martial panel members. Those are issues that normally aren't raised in the military system."

But Rivkin said that once a defense lawyer can find court martial panel members who are not closely connected to the commander, "you get a really serious, responsible and fair hearing, who are able to take the concept of reasonable doubt seriously."

"The war on drugs is very strong in the Navy," Rivkin said. "Every juror walks into the courtroom with a decided bias that the defendant must be guilty. It's been drummed into them that urinalysis labs are infallible. I had to counteract this bias, to reeducate the panel members."

The defense conceded that the urine sample in question did show the presence of marijuana. But it charged that the sample could have actually belonged to someone else, because, in Rivkin's words, "the urine collection procedure is a very loose operation. It's really scandalous."

To prove that, Rivkin sought to show that the labeling procedures on the urine samples were "scandalously shoddy" and that the officers performing the procedures were inadequately trained.

But Rivkin had to fight each step of the way to introduce his evidence.

It took more than two hours for the Navy judge, Lt. Comm. John Vinson, to admit witnesses who said that they had seen serious irregularities in the labeling of the urine samples. Vinson questioned whether such testimony was relevant.

Vinson also debated whether to introduce a stipulated piece of testimony that suggested that the urinalysis procedures violated Naval regulations, and barred as irrelevant a line of questioning that would have shown that the urinalysis coordinator did not follow Navy procedures with his own urine sample.

NOT GUILTY

But after a four-day trail, the jury Friday returned a verdict of "not guilty."

"I feel like a weight has been released from me," said defendant Gardner. "I couldn't have done it without my lawyer. I was glad to see that the justice system does work."

No Navy lawyer was available to com-

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White Resistance Grows within South Africa's Military: An Interview

Laurie Nathan, 27, is a South African draft resister and former national organizer of the End Conscription Campaign (ECC), an organization which is working to raise awareness in the white community regarding the role of the South African Defense Force (SADF) and to put pressure on the government to end conscription. During a speaking tour of 26 U.S. cities, Nathan took time to speak to ON GUARD about white resistance to SADF service, ECC activities and his role in this struggle.

Are you a resister serving in the military or are you a draft resister?

I am not presently in the military although each year I am called-up to serve. I have received academic deferment for the past nine years so that I can attend college. However, my deferment expires in August and I expect to be called at that time.

What is your family background?

I grew up in an English-speaking, middle-class home in Capetown. My parents were anti-apartheid, based upon a liberal perspective. In actuality, my parents practice apartheid yet state that they are opposed to it.

How has your awareness of apartheid and the nature of your role within this system begin to develop and change?

It was only when I began attending classes at the University of Capetown in 1978 that I was exposed both to black persons as peers and to the work of progressive student organizations. For the first time, I realized how much I detested apartheid; until this point, I hadn't let the emotional realization of the injustices of apartheid sink in.

Intellectually we know that the country is unequal; we know black people do not have the right to vote. But this is something that white South Africans grow up with and many come to believe that this is the way things should be. A "natural" situation, in other words. I only really began to challenge these ridiculous notions when I went to college.

How did you become involved in the struggle against apartheid and make contact with others in this movement?

I first became involved in the National Union of South African Students (NUSAS), an anti-apartheid English-speaking student organization affiliated with the United Democratic Front (UDF); the UDF is the largest black organization operating above-ground in South Africa.

At the end of 1983, however, we formed the End Conscription Campaign (ECC), focusing on conscription primarily because it provokes such a deep crisis of conscience for so many and it's really also the only aspect of apartheid that is an imposition on the whites. Because of these reasons, we *knew* conscription was a good issue upon which to focus.

What is your role with the ECC and what are its objectives? Who are its members?

ECC is a coalition of groups such as religious, human rights, and women's advocacy organizations, student activists as well as several local conscientious objector support groups. Fifty independent organizations are affiliated with the ECC; we have approximately 700 activists working in our sub-committees. There are 15 branches around the country, including six on university campuses—two of which are located in Afrikaan-speaking communities. ECC's goal is to end conscription, of course, and also to raise the awareness of white people regarding apartheid in general and the role of the SADF in maintaining this system. ECC sponsors high-profile national campaigns in which we focus on a particular aspect of apartheid, for example, troops in the (Black) townships, militarization of society in general, the moral and political issues of conscription, military training in the schools, and so forth.

We try to mobilize as many people as possible, first, by inviting them to attend an ECC-sponsored anti-war film festival, poetry reading, art exhibition, rock concert, peace fair, etc. Then, we'll invite them to our local meetings and hopefully, at this point, they'll volunteer to assist in our activities. We've had as many as 10,000 people involved nationally in any one campaign. We try to target different groups of people by varying the types of projects we sponsor. Unfortunately we're not in direct contact with active-duty soldiers.

As far as my role, I helped start the ECC and served as its National Organizer for three years. I am presently a member of the ECC Schools Committee.

What is a young person's obligation regarding military service in South Africa? Is it based on a lottery system?

PHOTO: David Vita

Laurie Nathan, ECC organizer

Only men are drafted; we are required to register when we turn 16. There is no lottery system of any kind and women are exempt from military duty. At 16, we begin a "cadet" training program in school which is run by the Army. We march in uniform, carrying weapons and so forth.

Many young men enter the army directly after graduation unless they receive an academic deferment to attend college. Initially the commitment is for two years; after this, everyone is again called-up for alternating periods of 30, 60 or 90 days (for a total of two more years) each year thereafter.

The total length of service is actually four years although as the apartheid crisis deepens, men may be required to serve longer because the army needs more soldiers to deploy inside the country.

What action must an individual take to legally resist the draft? What options does one have?

In 1983 the government, for the first time, granted recognition to those who qualify as Conscientious Objectors (COs). This is the only outlet available and the guidelines are very stringent.

To begin with one must be a total pacifist—not willing to bear arms in any situation—and must present his case before the Board of Religious Objection. This board is Calvinistic in its orientation and generally does not recognize the validity of other religions. Catholic, Jewish and Buddhist objectors are routinely denied. If one's application is approved, he is required to work in a government department for a six-year period.

Because the guidelines are so stringent only those who meet all the criteria apply in the first place. For those like myself who base their claims on moral or political grounds, chances are they're not going to ever approach the Board. After all, who wants to support the system by working in a government office for six years—if you're politically conscious?

What are the options for those who do not qualify as COs, yet who still refuse military service?

There aren't many. People are in jail serving sentences of up to six years. Many choose to go into exile; it's estimated that 7-8,000 resisters are living in Europe. Others live underground in Australia, as well as in America.

Has the ECC been subjected to government repression?

Oh yes, plenty. And the repression has stepped-up quite a bit—especially since the State of Emergency was declared June 12, 1986 by the government. By August, sixty ECC members were taken into detention and in the first six months, homes of over ninety members were raided by security forces carrying sub-machine guns. We've received death threats and homes have been petro-bombed.

Motor vehicles are often tampered with and, in fact, many UDF activists have been killed in road accidents under completely suspicious circumstances. We *know* the police are behind this. A year ago an ECC member publicly admitted that he had been working for the police and that he had severed the brake linings of a motor bike belonging to a friend of mine. There's also the usual harassment such as propaganda appearing in the newspapers discrediting the ECC, saying we're terrorists, and so on.

Under the State of Emergency, the government passed a special regulation making it an offense to do anything to oppose conscription. Anyone convicted faces up to 10 years imprisonment and/or a $10,000 fine. It's clear the government hopes, in effect, to legally ban the ECC from forming any organized opposition.

Have there been any prosecutions under this statute?

Last December, we had planned a peace march from a white suburb to a black township; Archbishop Tutu was going to lead the march. The night before, the local commissioner banned the march; nine ECC members were detained and charged under the emergency regulations. We were looking forward to using the court as another public arena but the charges were dropped. This wasn't surprising. No one yet has actually been prosecuted under this regulation.

What does the future hold for you upon your return to South Africa?

Upon returning in June, unless I go underground, I'll be detained. I will definitely refuse military service, no matter what. Of course, I could go into exile but I feel it's important to fight within my country for what I believe in. □

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ment last week.

Also, the "close-knit" nature of the military justice system can damage the presentation of a strong defense, Rivkin said, arguing that defenders should be more independent of the courts.

In the Navy Legal Services building on Treasure Island, for instance, the offices of the judges, the judge advocate, the defense counsel and the trial counsel are all on the same floor—a situation which, Rivkin suggests, should not exist in an adversarial system.

Each of the lawyers works every day in front of the same two judges.

"There's an atmosphere of camaraderie among the lawyers, including between the trial counsel and the defense counsel, that can lead to subtle pressures on the lawyers to be too cooperative with each other," Rivkin said. "Some military defense lawyers can resist the pressures to conform better than others. But it's a real pressure — that suggests that if you argue too aggressively, you may become a *persona non grata*."

In an Air Force base in England, the judge, the trial counsel and the defense counsel shared the same telephone line.

"Can you imagine some poor soldier calling up, wanting to talk to his lawyer, saying, 'Hey, Bob, I'm guilty, and I need your help,' and then finding out that he's talking to the judge?" Rivkin said. □

—*courtesy,* The Recorder

Activist GIs, West Germany

The Olive Drab Rebels

The U.S. Military During Vietnam (Part II)

by Matthew Rinaldi

The first attempt to organize a broader movement was the creation of a newspaper called *Vietnam GI*. The paper was created by Jeff Sharlet, a vet who'd come back to the States fairly disillusioned, returned to school and found himself alienated by the student movement, particularly by its hostility to GIs. In early 1967 he set out to create some form of communication and agitation within the military. The *Vietnam GI* carried a lot of very grisly news about the war, but it also carried lots of letters from GIs and consistently ran an interview with a GI either just back from Nam or recently involved in an act of resistance. The paper was widely circulated and well received.

Another approach was attempted by the Socialist Workers Party. Pfc. Howard Petrick, a member of the SWP, was stationed at Ft. Hood and began to distribute literature within his barracks. The authorities reacted swiftly and Petrick found himself threatened with a court martial. The SWP focused on this as a violation of "GI rights," and decided on a campaign for GI rights as their approach to military organizing. This had two flaws. First, while Petrick had in fact been attempting to organize his barracks, the effect of the SWP campaign was to focus on the case as another act of individual resistance. Secondly, while GIs certainly understood that they had no "rights," they also understood that this was not the basis of their oppression. The war, the class system in the military, the general oppression of their lives was far more potent to them.

The most dramatic of these early organizing efforts, and the first to focus on the need for collective resistance, was the work done by Andy Stapp at Ft. Sill, Oklahoma. Stapp entered the Army independently, began talking with the guys in his barracks, giving out literature, and gathered a small group around him. The brass soon moved against him, demanded that he surrender his literature, and busted him when he refused. At this point, his efforts at organizing could have ended but he appealed to a variety of groups for support and one, the Workers World Party in New York, responded.

The political impact of the Workers World Party on Stapp was profound. His work had at first been courageous but unfocused. The party provided a focus. They emphasized the need for organization, and convinced Stapp of the viability of calling for a union within the military. Consequently a few months before his discharge Stapp helped to found the American Servicemen's Union, and as a civilian he assumed its leadership. Through the ASU and its paper, *The Bond*, GIs around the world were exposed to the concept of organization, and this influence helped to stimulate spontaneous organizing efforts at many bases. Unfortunately, the ASU rarely undertook any consistent day-to-day organizing. As a result, the union collected paper memberships, circulated *The Bond* around the world, but was never able to sustain an organization.

The fourth attempt in this period was the creation of the off-base coffeehouses. The coffeehouses represented the first significant step by the civilian antiwar movement to reach GIs. The first coffeehouse was set up at Ft. Jackson in 1967, followed by coffeehouses at Ft. Leonard Wood and Ft. Hood. These eventually developed into a network of coffeehouses, storefronts, and bookstores which covered most major bases in all four branches of the service.

The original conception behind the coffeehouses, while fundamentally valid, had two faults. First, the initial coffeehouses were located at major basic training bases, the idea being to struggle with the brass for the mind of the GI during his basic training. If the brass won, this thinking ran, they would have an effective killer in Vietnam; if the coffeehouse won, there would be refusals and disaffection. Basic trainees, however, are completely isolated. Not only are they restricted to base and supervised around the clock but their training areas are even off-limits to other GIs.

Consequently, there was never a real opportunity for organizers to relate to basic trainees. In a sense, though, it didn't matter, for it wasn't the arguments of the brass versus the arguments of the coffeehouse which were going to alter the thinking of these GIs. It was their concrete experience in the military and in the war which was going to transform them into dissidents.

The second error concerned the nature and style of the coffeehouses. The original conception was that by creating a semi-bohemian counter-culture setting, it would be possible to reach the "most easily organized" GIs. This emphasis on culture did in fact attract in the early days those GIs who were just getting into the dope scene, but it didn't necessarily lead them toward political action. Nonetheless, most of the projects were able to transform themselves to meet the developing needs of the GI resistance.

The reaction of the military to these first attempts at organizing was predictable. Individual GIs court martialed for political activities received stiff penalties, and any groupings which developed were broken and scattered. But the command was still dealing with a situation in which their forces were fairly intact.

THE GROUND WAR EXPANDS, THE MOVEMENT GROWS

The period from 1968 to 1970 was a period of rapid disintegration of morale and widespread rebelliousness within the US military. There were a variety of causes contributing to this development. By this time the war had become vastly unpopular in the general society, demonstrations were large and to some degree respectable, and prominent politicans were speaking out against the continuation of the war. For a youth entering the military in these years the war was already a questionable proposition, and with the ground war raging and coffins coming home every day very few new recruits were enthusiastic about their situation. In addition, the rising level of black consciousness and the rapidly spreading "dope culture" both served to alienate new recruits from military authority. Thus, GIs came into uniform in this period with a fairly negative predisposition.

This situation led to the rapid decay of the US military's fighting ability in Vietnam. The catchword was CYA ("cover your ass") as one GI expressed it. Low morale, hatred for the Army, and huge quantities of dope all contributed to the general desire to avoid combat.

While this malaise seriously affected the war effort, the spectre of open mutiny was even more startling. In 1968 there were 68 recorded incidents of combat refusal in Vietnam. By 1969 entire units were refusing orders. Company A of the 21st Infantry Division and units of the 1st Air Cavalry Division refused to move into battle. By 1970 there were 35 separate combat refusals in the Air Cavalry Division alone. At the same time, physical attacks on officers, known as "fraggings," became widespread, 126 incidents in 1969 and 271 in 1970. Clearly, this army did not want to fight.

The situation stateside was less intense but no less disturbing to the brass. Desertion and AWOL became absolutely epidemic. In 1966 the desertion rate was 14.7 per thousand, in 1968 it was 26.2 per thousand and by 1970 it had risen to 52.3 per thousand; AWOL was so common that by the height of the war one GI went AWOL every three minutes. From January of '67 to January of '72 a total of 354,112 GIs left their posts without permission and at the time of the signing of the peace accords, 98,324 were still missing. Yet these figures represent only the most disaffected; had the risks not been so great, the vast majority of Vietnam era GIs would have left their uniforms behind.

There is a common misconception that it was draftees who were the most disaffected elements in the military. In fact, it was often enlistees who were most likely to engage in open rebellion. Draftees were only in for two years, went in expecting the worst, and generally kept their heads down until they got out of uniform. While of course many draftees went AWOL and engaged in group resistance when it developed, it was enlistees who were most angry and most likely to act on that anger. For one thing, enlistees were in for three or four years; even after a tour of duty in Nam, they still had a long stretch left in the service. For another thing, they went in with some expectations, generally with a recruiter's promise of training and a good job classification, often with an assurance that they wouldn't be sent to Vietnam.

Resistance in this period took a variety of forms. Spontaneous and often creative individual acts were widespread, from subtle expressions of disrespect to sabotage on the job. More significantly, the general mood of anger and alienation led to a number of instances of spontaneous group acts of rebellion. Often they occurred in the stockades, which were overcrowded with AWOLs.

A significant amount of resistance also occurred when GIs were assigned riot control. While there were individual white GIs who refused such training, it was black GIs who reacted in a mass way against being used as riot troops. During the summer of 1968 troops were put on alert for possible use at the Democratic convention in Chicago, and 43 black GIs at Ft. Hood held an all-night demonstration declaring their intention to refuse any such orders.

The most consistent and certainly the most heterogenous, of the attempts of the left to relate to GIs in this period centered around the coffeehouse projects. By the height of the war there were over twenty such projects, located at most major Army bases, the two key Marine Corps bases, and scattered Navy and Air Force installations. Staffed at first primarily by civilians, with vets soon joining the staffs in increasing numbers, the coffeehouses and storefronts reflected all the various forces which existed within the movement. There was never a cohesive, national ideology guiding this work; rather, different projects staffs struggled out their orientation toward military organizing, some projects achieving a unified direction, some projects remaining scattered in their approach. As the war escalated, though, and as discontent and anger swept the ranks of GIs, the majority of coffeehouses abandoned the old orientation toward cultural alienation and consciously set out to do political organizing.

. The primary function of these projects was to provide off-base meeting places for GIs. The majority of guys who came to these storefronts were attracted by their anti-brass atmosphere, stuck around to talk with some people and perhaps read an anti-war paper, generally getting exposed to left-wing politics. The service was permeated with an FTA ("Fuck The Army") consciousness, and many GIs felt so mind-blown by their recent experiences that they were actively seeking a new way to understand the world around them. Some GIs who came around reached a point where they wanted to participate in direct political work, and they plugged into various activities. The most common form was the creation of a GI newspaper.

These papers were the most visible and consistent aspect of the GI movement. Starting with early papers like *FTA* at Ft.

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