

Army Imprisons Soldier for Singing Against the Army's "Stop-Loss Policy"

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Army Specialist and Iraq war veteran Marc Hall was incarcerated by the US Army on December 11, 2009, in Liberty County Jail, Georgia, for recording a song that expresses his anger over the Army's stop-loss policy.

Stop-loss is a policy that allows the Army to keep soldiers active beyond the end of their signed contracts. According to the Pentagon, more than 120,000 soldiers have been affected by stop-loss since 2001, and currently 13,000 soldiers are serving under stop-loss orders.

Hall, (aka hip hop artist Marc Watercus), who is in the Army's 3rd Infantry Division, was placed in Liberty County Jail for the song (click [here](#) to listen to "Stop-Loss," by Marc Watercus), in which he angrily denounces the continuing policy that has barred him from exiting the military.

Military service members do not completely give up their rights to free speech, particularly not when they are doing so artistically while off duty, as was the case with Hall. He is charged under Article 134 of the Uniform Code of Military Justice, which covers "all disorders and neglects to the prejudice of good order and discipline" and "all conduct of a nature to bring discredit upon the armed forces." The military is claiming that he "communicated a threat" with his song. Hall mailed a copy of the song to the Pentagon after the Army unilaterally extended his contract for a second Iraq deployment.

Hall planned to leave the military at the end of his contract on February 27, before his commander, Captain Cross at Fort Stewart, moved to have him incarcerated for the song. The military currently intends to keep Hall in pre-trial confinement until he is court-martialed, which is expected to be several months from now.

Jim Klimanski, a civilian military lawyer, member of the National Lawyers Guild and the Military Law Task Force, who is closely following Hall's case, told Truthout that he feels the military is overreacting to the case, and that it is simply a matter of free speech and that the Army's actions violate his First Amendment right to free speech.

"It's a political case, and the military should know that," Klimanski explained, "I think they are overreaching and overreacting because of Maj. Hassan (who went on a shooting spree at Fort Hood on November 5), and I can understand that to some degree, but cooler heads should prevail and they should deal with stop-loss, and maybe we'll get the case thrown out. One would hope that common sense would prevail."

Hall is opposed to the occupation of Iraq, and had told his commander he would not deploy if ordered. His unit deployed to Iraq without him in mid-December, but this is not why Hall is in jail, as he was jailed before his unit was sent to Iraq.

“The military never ordered him to go [to Iraq], they put him in jail before that,” Klimanski continued, “They can’t charge him with missing movement, because he couldn’t go because they put him in jail. He told them he wanted out, he wouldn’t go, but they didn’t put him in jail for not going.”

In a statement on January 5, Hall said, “My first sergeant called me into his office to discuss the song’s nature. I explained to him that the hardcore rap song was a free expression of how people feel about the Army and its stop-loss policy. I explained that the song was neither a physical threat nor any threat whatsoever. I told him it was just hip-hop.”

Hall added, “My first sergeant said he actually liked the song and that he did not take it as a threat. He and my commander at the time just recommended me for mental counseling and evaluation.”

Truthout obtained a redacted copy of the Army’s Charge Sheet against Hall, filed by Marcus Seiser, that includes five charges. On the sheet, Hall is accused of telling someone he would “go on a rampage,” that “the song makes threats of acts of violence,” and that Hall is accused “of planning on shooting the brigade or battalion commanders.”

Jason Hurd, an Iraq war veteran who has been assisting Marc Hall, told Truthout that he believes the military is overreacting to Hall’s song due to the November 5 shooting at Fort Hood.

“It really frustrates me that they [military] are reacting in such an excessive way,” Hurd, a member of Iraq Veteran’s Against the War, told Truthout, “When you are talking about communicating a threat, a threat has to be at something or someone. If you listen to Marc’s song, he’s not saying he wants to kill someone in his chain of command, he makes broad artistic expressions of anger. The military likes to keep a lid on things, and it’s now very frustrating they are taking such extensive measures to save face, and they are afraid after the Ft. Hood shooting. So as a result of Ft. Hood, they have persecuted Marc, and now he’s incarcerated.”

Hurd also feels the case underscores an underlying hypocrisy within the military.

“From a military that has us, while we’re jogging, chant in cadence about killing babies, to then come down on someone for writing an angry song, is ludicrous,” Hurd added, “Marc is just expressing the anger that 13,000 soldiers are feeling right now, because there are currently that many who are stop-lossed. All he did was make his opinion heard.”

According to Hurd, who has been speaking with Hall regularly via telephone, Hall told him that how the military has handled his case “really got me thinking about the whole situation, and how we acted like thugs over there [in Iraq]. In good conscious I could not go back over there and do it again.”

Jeff Paterson, the founder and director of the soldier advocacy group [Courage to Resist](#), which is assisting Hall, told Truthout, “Marc’s case is unique in that the military hasn’t shown a propensity to go after these political speech cases for several years. Here, since he’s an angry man who recorded a song, they are making him a target for having expressed

his anger in an artistic way. We think this is an important case because it could set precedent for free speech rights for those in the military.”

Klimanski, along with underscoring the importance of the case for the First Amendment, thinks the case highlights the military’s ongoing use of stop-loss, which also contributes to how they have responded to Hall’s song.

“It’s a song, and he puts it out to the public,” Klimanski told Truthout, “We’re not talking about a Major Hassan who is quietly plotting violence ... this is political hyperbole. This is his rant on stop-loss. It’s political speech.”

Klimanski said that by nature, the wars in Iraq and Afghanistan will not end, and Hall’s song expresses concern over the possibility of his never being discharged from the military.

“He’s over there saying I have no control over my life. I could be in here forever. We’re not talking about a war that is going to be over next year. We’re talking about a war that could go on forever. So poor old Marc Hall could possibility be in the military forever. Once enlistment starts dropping, the Army maintains troop levels by keeping the ones they have. If you’re not going to go to one place, you’re going to another, but you’re not going to get out. I see this as an issue of political speech. The military may not like what they’re hearing, but that’s what it is. There are people in the military saying their being in it is/was wrong, and they want out.”

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