

Prepare to Disengage

By [Elaine Elinson](#)

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During the Vietnam War, GI dissent was both documented and nurtured by a slew of underground GI newspapers. Papers like “Up Against the Bulkhead,” “Harass the Brass” and “About Face” were mimeographed and passed from base to base, hand to hand. These bold, clever, ragtag papers gave voice to the soldiers’ rage against the injustices of the military and offered advice on everything from filing for conscientious-objector status to organizing anti-war protests.

GI coffee houses, safe havens outside the gates of military bases in the U.S. and abroad, drew soldiers who needed legal counseling about sexual harassment, racism or disciplinary proceedings.

Civilian lawyers pored over volumes of the Uniform Code of Military Justice, quickly learning the convolutions of military law. The National Lawyers Guild launched the Military Law Project, creating a corps of attorneys to provide legal counseling to soldiers. The Central Committee for Conscientious Objectors produced the useful “Military Counseling Manual.” Its pages were copied and recopied, smuggled into barracks and aircraft carriers and even handed to GIs on R&R in Hong Kong discos and discount stores.

In “Rules of Disengagement: The Politics and Honor of Military Dissent,” Marjorie Cohn and Kathleen Gilberd distill all this information into one useful, practical and thought-provoking volume. Cohn, a professor at the Thomas Jefferson School of Law in San Diego and president of the National Lawyers Guild (and a regular Daily Journal columnist), and Gilberd, who has been involved in military counseling since 1971, bring decades of experience in counseling soldiers, including work on high-profile legal cases against the military.

Cohn and Gilberd draw important parallels between GI war resistance during Vietnam and that taking place today.

During the 2004 election, candidate John Kerry’s war record became headline news because of the “swift boat” attacks. But many anti-war activists were reminded of Kerry’s heroic role off the battle field – when as a member of Vietnam Veterans Against the War he participated in the Winter Soldier hearings in Detroit in 1971.

Though the mainstream media gave very little coverage at the time to the 150 veterans, honorably discharged and many highly decorated, who gave testimony about atrocities that they and others had committed in Vietnam, the 27-year-old Kerry put the national spotlight on their experiences when he spoke at the Senate Foreign Relations Committee three months later.

“They relived the absolute horror of what this country, in a sense, made them do,” Kerry

told the senators. "They told stories that at times they had personally raped, cut off ears, cut off heads, taped wired from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in fashion reminiscent of Genghis Khan, shot cattle and dogs for fun, poisoned food stocks and generally ravaged the country side of South Vietnam."

In 2008, these stories were echoed when Iraq Veterans Against the War organized a similar event, called "Winter Soldier: Iraq and Afghanistan - Eyewitness Account of the Occupation."

"The testimony of soldiers who have served in Iraq and Afghanistan reveals that the military has not learned the sobering lessons of the Vietnam War, and that war crimes today are frighteningly similar to those committed 40 years ago," the authors assert.

They conclude that, although resistance in today's military may be under the radar, today's soldiers are "disengaging" from the military in a variety of ways - often at great risk to themselves.

They cite the case of Petty Officer Third Class Pablo Paredes of the Bronx who, because he was convinced the war in Iraq was illegal, refused to board a transport ship carrying 3,000 Marines to Iraq . During his court martial in 2004, he stated that he had come "to an overwhelming conclusion supported by countless examples that any soldier who knowingly participates in an illegal war can find no haven in the fact that they were following orders, in the eyes of international law."

The judge gave Paredes a lenient sentence, with no jail time. When Paredes left the military, he became an organizer in the GI movement, focusing on youth of recruitment age.

A more conventional way for anti-war soldiers to leave the military is to seek conscientious-objector status.

Ever since the Revolutionary War, military law has allowed soldiers to become CO's; that right was expanded by Vietnam-era cases such as U.S. v. Seeger and Welsh v. U.S. that allowed CO status to be granted not only on traditional religious beliefs, but also moral or ethical grounds.

The first publicly known conscientious objector to the Iraq war from inside the military was Staff Sgt. Carlos Mejia. Mejia had served in the Florida National Guard for eight years before being deployed to Iraq in 2003. Mejia recalled how on a search-and-destroy mission, he had seen a small boy standing by the corpse of his father. The sight caused him to deeply question the role of the U.S military in Iraq , and all wars.

After a leave, he decided not to return to Iraq . "Whether we squeeze the trigger, give the order, or simply stand idle in the face of senseless missions that result in the killing of innocent blood, it doesn't make a difference.

"It took the experience of war for me to see things in a broader perspective and realize that I was, deep down, a conscientious objector," Mejia said.

Mejia was charged with desertion. He was represented by attorney Louis Font, a veteran who had faced 25 years in prison for his own opposition to the Vietnam War, before he obtained CO status and was honorably discharged.

With his CO application still pending, Mejia served nine months in prison. Cited by Amnesty International as a “prisoner of conscience,” he currently is chair of Iraqi Veterans Against the War.

Unfortunately, for many soldiers the road to disengagement from the military is even more difficult than the arduous task of applying for CO status or facing a court martial for resistance. The authors relate numerous stories of GIs who could not live with the physical wounds or mental anguish that came from being sent back into the war zone for numerous deployments. An Army psychiatrist estimates that 30 percent of soldiers on their third deployment have serious mental health problems. “Are we trying to bandage up what is essentially an insufficient fighting force?” asks a psychiatrist from the International Society for Traumatic Stress Studies. The authors also document the high rates of post-traumatic stress disorder and suicide among veterans.

Though the main focus of the book is on dissent and disengagement, the authors describe other problems soldiers face. There are chapters devoted to challenging race discrimination, sexual assault and sexual harassment, and lack of adequate medical and mental health treatment.

Cohn and Gilberd advise the reader that this book is meant not as an abstract analysis but as a practical guide. They outline procedures for applying for discharge or noncombatant status as a CO and explain sections of the Uniform Code of Military Justice that can assist soldiers and their families seeking their rights. They also include a useful directory of organizations and resources for soldiers, veterans and lawyers, including the GI Rights toll-free hotline, which helped 40,000 soldiers in 2007 alone. Noting that because of multiple deployments, families of service members bear a greater burden than in previous wars, they also provide contact information for groups like Gold Star Families Speak Out and Guerrero Azteca Peace Project.

Many of the stories related in this book are chilling. But in a war where the administration forbade the publication of photographs of flag-draped caskets of the military dead, it should not be surprising that those who fight that war harbor many unrevealed and disturbing truths.

“Rules of Disengagement” is an important contribution to understanding what men and women in the military are enduring – and a useful volume to help them assert their rights.

Elaine Elinson is coauthor of “Wherever There’s a Fight: How Runaway Slaves, Suffragists, Immigrants, Strikers, and Poets Shaped Civil Liberties in California ,” to be published in October by Heyday Books. During the Vietnam war, she toured Southeast Asia with FTA, an anti-war show for GIs.

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