

# **Committee to Defend the Rights of Pfc. Howard Petrick**

**Box 569, Cooper Station, New York, N.Y. 10003**

**Phone: 212-929-2122**

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ARMY MOVES TO DISCHARGE ANTIWAR GI

BACKS DOWN FROM PREVIOUS THREAT TO COURT-MARTIAL

**NATIONAL SECRETARY  
CAROLINE LUND**

**ATTORNEYS  
VICTOR RABINOWITZ  
LEONARD BOUDIN**

**SPONSORS (partial listing)**

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Mrs. Donna Allen  
Bettina Aptheker  
Irving Beinlin  
Prof. Eric Bentley  
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The U.S. Army has backed down from threats to court-martial Pfc. Howard Petrick, stationed at Ft. Hood, Texas, for expressing antiwar and socialist views to his fellow GIs. However, the Army is now threatening to give him a less than honorable discharge. This week Petrick filed a letter of rebuttal to this new threat.

In April of this year Military Intelligence at Ft. Hood had searched Petrick's barracks, confiscated antiwar and socialist literature from Petrick's foot locker, and assigned him an army attorney who advised him that he may be court-martialed for making "disloyal statements," "subversion" and "creating disaffection" within the Army.

After holding the threat of court-martial over his head for five months, the Army has finally decided to discharge Petrick from the Army. The Army gave no reasons for their change of mind. It can be assumed that one reason for the Army's reversal was the immediate support Petrick received from the Emergency Civil Liberties Committee, which provided the legal services of the distinguished constitutional attorneys Leonard Boudin and Victor Rabinowitz. Other factors are the support Petrick has found for his case among his fellow GIs, and the widespread protest from American civilians against any infringement of constitutional rights for GIs.

On September 13 Petrick received a letter from his commanding general saying that the Army thought Petrick's presence in the Armed Forces was not in the interests of national security. The letter

implies that his discharge will be less than honorable. The only two charges against Petrick are that he is a member of the Socialist Workers Party, which is on the Attorney General's "subversive" list, and a member of the Young Socialist Alliance.

After consultation with his attorney Leonard Boudin, Petrick has answered the Army by demanding an honorable discharge as the only discharge consistent with his military record. The letter states:

"I do not object to a discharge under honorable conditions; indeed, I request it. I request it because I and my fellow servicemen have been subject to harassment by interrogation with respect to activities opposing the Vietnam war which the Army has conceded to the press and elsewhere to be lawful and protected by the First Amendment...."

Petrick's letter of rebuttal stresses the constitutional questions involved in his case. It states: "The fact that the Socialist Workers Party has been designated as a subversive organization by the Attorney General...does not in any way derogate from my constitutional right to be a member of that organization or of the Young Socialist Alliance."

The letter also reminds the Army that Petrick refused to sign the questionnaire on association with organizations on the Attorney General's "subversive list" at the time of his induction. Therefore, if membership in organizations on the "subversive list" were relevant to military service, the Army should never have drafted him in the first place.

If the Army proceeds to discharge Petrick under less than honorable conditions, Petrick's attorneys are prepared to sue the Secretary of the Army and fight in the courts for Petrick's right to an honorable discharge. Mr. Boudin will base his case on a 1958 Supreme Court decision (Abramowitz vs Brucker) that the nature of a discharge must be based on the soldier's record of military service and not on political activities prior to induction. Petrick will submit evidence of his excellent service record.

This new development is a big victory for all those who have supported the Committee to Defend the Rights of Pfc. Howard Petrick, and for the Emergency Civil Liberties Committee which provided the legal aid for this case. It is also a victory for the GIs who have shown their solidarity with Petrick, by helping to distribute information on his case and expressing support for his right to hold his own ideas.

This new stage means more mailings, more stamps, and possibly the expenses of a court case. The Committee to Defend the Rights of Howard Petrick appeals again for your financial support in order to carry this fight through to the end.

Please try to get this report around to antiwar publications and campus press to publicize this stage of the case. Also, supporters on campuses should bring the Petrick case to all the new students by circulating leaflets and pamphlets on the case, in a final push to win a victory for the right of GIs to free speech.