

## **Lt. Ehren Watada court-martial Update**

by Jason Leopold via rialator - Truthout -- 15 December 2006 *Tuesday, Dec 19 2006, 2:03pm*  
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### **Truthout's Sarah Olson Subpoenaed in Watada Case**

A US Army prosecutor subpoenaed Truthout contributing reporter Sarah Olson Thursday morning, seeking her sworn testimony at the court-martial of First Lieutenant Ehren Watada. The 28-year-old Army officer refused deployment to Iraq earlier this year. His trial is expected to begin in February.



***Lt. Watada***

Olson wrote a news story about Watada in June that was published June 7 on the Truthout web site. In that article, Watada publicly challenged the legality of the war - in statements the Army claims are illegal. It is believed that the Army wants Olson to authenticate the substance of her article and to confirm the statements Watada made to her.

"As I read about the level of deception the Bush administration used to initiate and process this war, I was shocked. I became ashamed of wearing the uniform," Watada said in Olson's interview.

The charges filed against Watada marked the first time in 41 years that the military has used the charge of conduct unbecoming an officer to prosecute an officer's public statements. Usually, a conduct-unbecoming case involves more-serious crimes, such as rape, sexual harassment, or manslaughter. The last time a military officer was charged with public dissent was in 1965, when Lieutenant Henry Howe criticized US foreign policy during the Vietnam War.

Moreover, the Watada case is significant - and to some degree historic - because it is the first time the Army is actively seeking testimony of a professional journalist to prove one of its own officers violated military law by publicly questioning the rationale for war. Other cases involving the military and the media have, for the most part, involved the military's desire to subpoena unpublished material, such as videotapes and notes, from reporters.

A US attorney in a US district court could prosecute civilian witnesses who fail to respond to a military subpoena without a valid reason.

Olson, who is one of few reporters covering the anti-war movement and the voices of dissent, said in an interview that she was served with a two-page subpoena at 8:45 a.m. Thursday morning at her home in Oakland, demanding that she appear at Watada's court-martial in Fort Lewis, Washington, February 5 through 9.

Olson, 31, could not divulge what her next move will be - whether she'll go to jail if all appeals fail - but it's apparent that she's leaning toward fighting the US Army from forcing her to testify against a soldier whose actions she has said she respects and supports.

"The military's willingness to subpoena journalists is wrongheaded and ominous," Olson said. "It's a reporter's job to report the news. It's not a reporter's job to participate in the prosecution of ... sources. Once you involve a reporter in prosecution, you turn that reporter into the investigative arm of the government."

Olson pointed out that it's not uncommon for journalists to confirm the veracity of their work, but in her case, doing so could send Watada to jail for several years.

"In my case, what the Army is asking is understood as exceedingly reasonable," Olson said. "Journalists don't have a problem verifying the veracity of their reporting, as I am being asked to do by the subpoena. What I think makes it different is the nature of this case. Basically, what the Army is doing is compelling me to build its case and participate in the prosecution of Lieutenant Watada, simply by confirming my reporting. That's something I don't think any journalist can do. They are using me to build their case and to punish military personnel for talking to the press."

Scott Galindez, managing editor of Truthout, said Thursday that the non-profit news organization stands behind Olson.

"We will support Sarah in any efforts she undertakes to protect her constitutional rights as a journalist," Galindez said. "While we won't be intimidated by the Army's tactics, we are afraid individual reporters might think twice before covering stories that might put them in the Army's cross hairs."

Lieutenant Joe Piek, a military spokesman who is stationed at Fort Lewis, where Watada also is based, would not comment on any aspect of the Watada case, nor would he discuss the reasons the military is trying to secure testimony from the media.

In addition to Olson, Truthout reported Wednesday that Captain Dan Kuecker, the Fort Lewis, Washington-based Army prosecutor pursuing charges against Watada, had stated his intent to subpoena Truthout Executive Director Marc Ash, Truthout reporter Sari Gelzer, and contributing reporter Dahr Jamail to testify at Watada's court-martial. As of Thursday, none of the three had been served with subpoenas.

It is likely that Kuecker wants Gelzer to discuss a short news report she filmed over the summer. In that report, Watada, at the Veterans for Peace annual conference, said the Iraq War was based on lies and remarked that US soldiers could refuse to fight. According to Bill Simpich, Truthout's attorney, the military is clearly interested in having Gelzer confirm the authenticity of the film and the statements by Watada that were caught on tape.

If Gelzer or Ash is subpoenaed, Simpich said the Army is in "for a big fight."

At a hearing earlier this year, a military court determined that there was sufficient evidence to

charge Watada with intentionally missing his deployment, contemptuous speech toward officials, and conduct unbecoming an officer, and to proceed with a general court-martial. In September, those charges were amended to include an additional count of conduct unbecoming an officer. The contempt charges were dropped in November. Watada faces a maximum six-year prison sentence if he is convicted.

Watada was a member of the Army's First Stryker Brigade Combat Team at Fort Lewis when, on June 22, he became the first commissioned officer to refuse assignment with the unit to Iraq. He has since been reassigned to an administrative position.

Redacted documents outlining the charges against Watada cite reports by Olson and by Honolulu Star-Bulletin reporter Gregg K. Kakesako, quoting Watada as saying that President Bush had lied about the reasons the US went to war in Iraq.

Watada's attorney, Eric Seitz, contends his client's comments are protected free speech.

Kakesako would not comment Thursday on whether he had been served with a subpoena.

[http://www.truthout.org/docs\\_2006/printer\\_121506J.shtml](http://www.truthout.org/docs_2006/printer_121506J.shtml)

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