

Soldier Jailed for Rap Lyrics Is Discharged

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Until April 17, US Army Spc. Marc Hall sat in a military brig at Camp Arifjan, Kuwait, facing an imminent court-martial for challenging the US military's stop-loss policy in a song.

Sunday morning, Spc. Hall was granted a discharge by the military.

On December 17, 2009, Hall was jailed for writing a song about the personal impact of being forced to remain in the military beyond the scope of his contract by the stop-loss policy.

Stop-loss is a practice 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, despite public pledges by President Barack Obama to phase out the policy.

Hall's song included lyrics the Army claimed were veiled threats of violence.

He was charged with five specifications in violation of Article 134 of the Uniform Code of Military Conduct, two of those for wrongfully communicating a threat based on song lyrics. Article 134 is a vague rule that outlaws anything "to the prejudice of good order and discipline."

Lyrics included Hall saying he may "go Fort Hood," a reference to the mass shooting at Fort Hood on November 5, which prosecutors for the Army claimed was a threat of violence.

"I explained to [my first sergeant] that the hardcore rap song was a free expression of how people feel about the Army and its stop-loss policy," Hall said at the time. "I explained that the song was neither a physical threat nor any threat whatsoever. I told him it was just hip-hop."

According to Jeff Paterson of Courage to Resist, an Oakland-based organization dedicated to supporting military objectors like Hall, he was not jailed for the song, but was instead jailed "in retaliation for his formal complaint of inadequate mental health services available to him at Fort Stewart. The Army used an angry song that Spc. Hall, a combat veteran of the Iraq War suffering from post-traumatic stress, had produced criticizing the stop-loss policy as the pretext."

What put the 34-year-old New York City native in the brig were, according to Paterson, Hall's persistent assertions of inadequate mental health care that culminated in a December 7 complaint to the Army Investigator General. Just five days after that, Hall was charged with violating "good order and discipline" at Fort Stewart, Georgia, and was shipped out of the country for a court martial in Kuwait.

On Feb. 20 Hall wrote, “A charge that was not a threat before, but all of a sudden became a threat now. I communicated a need for mental evaluation – not a threat.”

On Feb. 26 Hall was put on plane to Iraq and transferred to Kuwait for pre-trial confinement. This put him out of reach of his civilian legal defense team, friends and family.

Shipping Hall to the Middle East to be court-martialed was, according to Hall’s lawyer, an extreme move by the military.

“Not just the Constitution, but the rules for courts-martial, prohibit prosecutors from holding a court-martial in a combat zone as a pretext for depriving an accused of a public trial, counsel of his choice and necessary witnesses,” David Gespass, Hall’s civilian attorney and the president of the National Lawyers Guild, told [Truthout in February](#) of the Army’s decision to try Hall in Iraq. “Whatever the Army may claim, that is exactly what the Army is doing to Marc.”

Moving the court-martial from Fort Stewart, Georgia, to the Middle East effectively prohibited Hall’s supporters from attending the trial, made it nearly impossible for the defense to call witnesses to the stand and made it dangerous for Gespass himself to attend.

In a message to supporters nationwide who organized a grassroots campaign on his behalf, Hall provided the following message by phone from Camp Arifjan in Kuwait: “I’m out of the confinement facility! Thank you to everyone for all the efforts everyone made. Hopefully I’ll be home very, very soon. I appreciate all of the love and support so many people gave me through my ordeal.”

Paterson told Truthout that he believes the military backed down because its chances of victory were looking slim.

“We had a real chance of winning this outright at the trial,” Paterson said. “The military believed we wouldn’t be able to get Gespass and an independent medical evaluator to Kuwait, but we got that together so they then moved it [the trial] from Kuwait to Iraq. But we kept at it, and they gave up. At the end of the day, the military decided it wasn’t worth that effort. They did what they should have done four months ago – which was to let Marc out.”

According to Paterson, when the Army realized that Gespass had successfully obtained a visa from the Iraqi embassy in Washington and “we were going forward with getting people into Iraq and forcing the military to be responsible for their safety, they backed off. The military was very effective at slandering Marc and portraying him as a dangerous gangster rap artist; it was difficult to overcome that in the mainstream media, but we did. The fact the military had to back down was a great thing for us.”

Both Paterson and Gespass contend that an important factor in the case was that Hall has untreated post-traumatic stress disorder.

“Hall was near an IED [improvised explosive device] explosion during his combat tour in Iraq,” Paterson told Truthout. “Part of our defense was to put up evidence that he’s never been evaluated for TBI [traumatic brain injury].”

Gespass told Truthout that another factor in the Army’s decision to discharge Hall was

simply the general weakness of its case.

“They had such a terrible case to begin with,” Gespass said. “I think if we tried the case we would have won. The things the Army claimed, there were no witnesses to back them up.”

Like Paterson, Gespass believes Hall’s case underscores the military’s unwillingness to care for its soldiers.

“While I’m gratified that the Army finally decided to discharge Marc, I’m appalled at the disregard it has shown for Marc’s well-being and fundamental rights for nine months,” Gespass stated in a press release. “Whatever lip service the Army gives to its concern for its soldiers, its only real concern is insuring they risk their lives without questioning why. Marc’s greatest transgression was asking that question.”

Gespass told Truthout that it has not yet been determined whether Hall has PTSD or TBI, because the Army has not had him evaluated.

The president of the National Lawyer’s Guild was clear as to why he thinks the Army handled Hall’s case as it did.

“I think they waited as long as they did to be vindictive. This is something they should have agreed to weeks ago when we asked,” Gespass said.

Hall’s discharge is a general discharge under other-than-honorable conditions.

“The VA [Veteran’s Administration] is a hard system to navigate, so even though he has service-related injuries, he will have to fight for what he gets,” Paterson said. “But we’re behind him. We’re going to push to get that discharge upgraded.”

Gespass feels similarly.

“We are very, very happy with the outcome, and I think there’s a good chance we can get him benefits for military related disabilities and we can upgrade the discharge, which is the thing I plan on working on next.”

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