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■ **Wednesday, January 17, 2007**

US Army officer barred from disputing legality of Iraq war at court-martial

Joshua Pantesco at 3:58 PM ET



[JURIST] A US military judge ruled Tuesday that **1st Lt. Ehren Watada** [advocacy website; JURIST [news archive](#)], a US Army officer who **refused deployment to Iraq** [JURIST report] because he felt the war is 'unlawful,' cannot argue that point in his upcoming court-martial. Lt. Col. John Head further ruled that Watada may not raise a free speech defense, as soldiers do not enjoy the same constitutional rights as civilians. Watada was **charged** [charge sheet, PDF; JURIST [report](#)] in July with missing troop movement, contempt toward officials, and **multiple specifications** [JURIST report] of conduct unbecoming, before an investigating officer **recommended** [JURIST report] proceeding with only the missing troop movement and conduct unbecoming charges, for which he faces a maximum sentence of six years. His court-martial is scheduled for February 5.

Watada, a 28 year old from Honolulu, joined the Army in 2003 and has served in Korea. He refuses to be classified as a conscientious objector because he does not object to war in general, just to the "illegal" war in Iraq. He had offered to instead serve in Afghanistan, however the Army refused. Watada is the first commissioned officer in the US military to publicly refuse deployment to Iraq. His vocal protests and participation in rallies by **Veterans for Peace** [advocacy website] and **Courage to Resist** [advocacy website] led to the charges of conduct unbecoming an officer and the original charge of contempt toward officials. AP has [more](#).

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