

Fundraising Project

Save Our Soldiers (SOS)

Legal Fund for Specialist Agustín Aguayo

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*Agustín with his wife,
 Helga P. Aguayo
 December 2002
 (before enlistment)*



*Agustín in Tikrit, Iraq
 March 2004
 (during deployment)*



*Agustín with his two daughters,
 Raquel and Rebecca,
 December 2002
 (before enlistment)*

Please help Specialist Agustín Aguayo press his Conscientious Objection lawsuit. Join us by making a donation to his legal defense fund and taking a stand for peace.

--Never doubt that a small group of thoughtful committed people can change the world: indeed it's the only thing that ever has!

MARGARET MEADE

I. Introduction

If you are opposed to the war in Iraq and the continuing occupation, please help us support GIs who are resisting being sent (or sent back) to Iraq on the grounds of conscientious objection.

Specialist Agustín Aguayo is one such soldier. He has already served one year in Iraq as a U.S. Army Medic and has been denied a conscientious objection discharge--despite the support of his commanding officer.

Agustín is a Mexican American who joined the U.S. Army in January 2003, attracted by the educational and financial incentives. He soon realized that he'd made a horrible mistake. "The very first time I held an M-16, in basic training, I was overwhelmed with guilt. I remember standing there and feeling the weight of that killing machine pull me down." Agustín did not want to participate in war or kill other human beings. Nonetheless, he was deployed to Iraq in February 2004 with the 1st Infantry Division. He filed his claim for conscientious objection from Iraq with help from the **Military Counseling Network (MCN)**, a non-profit, civilian organization whose aim is to advise G.I.s on conscientious objection and other methods of legal discharge from the military.

Agustín writes:

This experience has taught me many things. I was naive when I decided to enlist. From the very beginning I felt this was wrong for me. But I was encouraged to forge ahead. I was told that what I felt was part of the process and that what I was experiencing was "separation anxiety". I have learned that I need to trust my inner voice and allow it to guide me. I must now work on correcting my wrong decision and making it right.

For me, being a witness in this war has been heart wrenching. I have seen the most horrible side of mankind. I am determined to get out of the army. I feel I must get out as soon as possible – which is why I have decided to take my case to the federal level.

Agustín has a strong case and although his commanding officer supported his claim, after many months, it was rejected higher up the chain of command. The period for appealing lapsed BEFORE Agustín was even informed his case had been declined. In consultation with **MCN**, Helga, Agustín's wife, contacted two expert American lawyers specializing in conscientious objection; they confirm Agustín has excellent grounds for legal action and are willing to take the case for reduced fees.

They estimate the legal costs will come to about \$12,000 (US). That is the sum we are now trying to raise.

Please help by donating. See page 4 for details. Donations can be made in U.S. dollars, Euros, or pounds Sterling.

II. Needs

- We're asking for a baseline donation, of \$25 or 25€ or £20 British Sterling. Of course, if you can afford more that would be wonderful. For those who can afford less, we're grateful for any donation, no matter how small. **Refer to page 4 to see how to donate.**

III. Goals/Objectives

- Eminent American lawyers with specific background in this field are willing to take up Agustín's case at reduced fees, but we need a legal defense fund of at least \$12,000 -- \$5000 by May 12th.

IV. Timetable

	Fundraising	Start and End Dates
Phase One	Raise \$5000 to get the lawsuit filed	April 12, 2005 – May 15, 2005
Phase Two	Raise additional \$7000 to continue lawsuit	May 15, 2005 - Indefinite

V. Key Players

• AMERICAN VOICES ABROAD:

- ✓ American Voices Abroad is spearheading this fund-raising campaign for a legal defense fund. The case of Agustín Aguayo is our first priority. In the future we hope to help other soldiers with similar issues. AVA was founded in 2003 as a coalition of American citizens living abroad opposed to the war in Iraq. AVA is a diverse group of U.S. expatriates from all walks of life--academics, artists, translators, students, professionals--with a common desire to see a peaceful, diplomatic solution to the Iraq conflict and the swift withdrawal of U.S. forces. To see their mission statement, visit <http://freeiraq.free.fr/AVA.htm>

• THE LAWYERS:

- ✓ Peter Goldberger - Peter went to Haverford College and Yale Law School. After law school he served as law clerk for a federal judge. His career has included being a law professor at Villanova University and Whittier College. He has been listed for several years in "The Best Lawyers in America." He has been involved with helping conscientious objectors since before he went to Yale Law School in 1975. He is past General Counsel for the **Central Committee for Conscientious Objectors** in Philadelphia. For several years he chaired the Board. For the last few years he served **CCCO**, he was co-General Counsel with Jim Feldman.
- ✓ Jim Feldman, Jr. - Jim Feldman graduated from Washington University in 1973 and the University of Cincinnati Law School in 1976. After several years in private practice in Cincinnati, he moved to Philadelphia in 1982 to become staff attorney for the **Central Committee for Conscientious Objectors**. He left the **CCCO** staff in 1989, but remained active on the Board, serving as both Chair and co-General Counsel with Peter Goldberger. He is currently a board member of the **Center on Conscience and War**, a non-profit organization based in Washington, D.C. He has been working with Peter Goldberger since he left the **CCCO** in 1989.

• MILITARY COUNSELING NETWORK:

- ✓ MCN is a non-military network of organizations prepared to provide a free counseling service to those soldiers who are questioning going to war or want to know more about military discharges and regulations. Operating primarily as a source of information, they have counsellors located throughout Germany ready to respond to questions, provide guidance and supply legal information. Soldiers can contact them for information on discharges like Hardship/Dependency, Medical/Disability, Other Designated Physical and Medical Conditions, Discharge in Lieu of Court-Martial, and Conscientious Objection.
- ✓ MCN is supported by **CCCO (Central Committee for Conscientious Objection)**, an organization that has supported conscientious objection and promoted individual and collective resistance to war since 1948. **CCCO** has helped tens of thousands of people serving in the military or facing conscription. They have a wealth of experience and knowledge. They provide in-depth information and are excellent resource of GI rights. **MCN** is also supported by the **German Mennonite Peace Committee** and **Stop the War Brigade**.

VI. Endorsements

- The following non-profit organizations are supporting this project:

Deutsches Mennonitisches Friedenskomitee

www.dmfk.de



http://freeiraq.free.fr/AVA.htm



www.objector.org



**Military Counseling
Network**

www.mc-network.de



Center on Conscience & War
To Extend and Defend the Rights of Conscientious Objectors to War and Violence

www.nisbco.org



www.menno.org.uk

VII. Summary

Two of America's top attorneys in the field of conscientious objection have agreed to take Agustin Aguayo's case for considerably reduced fees. But we still need to raise \$12,000. To do this, we need your help. We need just 480 people to give \$25 each! This should be possible, given all the people who oppose the war in Iraq. Please make a donation and pass this on to your friends and colleagues who might also be interested. Any excess (thinking positively!) will go into a general legal defense fund to help other soldiers in similar circumstances. You can make it possible for one less soldier to occupy Iraq. Thank you!



Sign up for email updates in this case at:
www.hometown.aol.com/armyco2005/index.html
or email: armyco2005@aol.com



VIII. How to Donate

€ **Euro donations to:** €
Military Counseling Network (MCN)
Hauptstrasse 1, 69245 Bammental, Germany
Phone: 06223-47506, Fax: 06223-47791
E-mail: mcn@dmfk.de Web: www.mc-network.de

Mail euro cheque donations to above address or wire
euro donations to:
Bank Account: Kontonr. 21240069,
Kreissparkasse Heilbronn, BLZ 620 500 00
Attn: "MCN - Legal Defense Fund" €

£ **British Sterling donations to:** £
London Mennonite Centre
14 Shepherds Hill, Highgate, London N6 5AQ, UK
Email: metanoia@menno.org.uk
Web: www.menno.org.uk
Phone: 0845 4500 214 Fax: 020 8341 6807

Cheques should be made out to:
"London Mennonite Centre" and marked
"MCN - Legal Defense Fund"
Please mail to above address. £

\$ **Dollar donations to:** \$
Center for Conscience and War
1830 Connecticut Avenue NW, Washington, DC 20009
Phone (202) 483-2220, 1-800-379-2679
Fax: (202) 483-1246
Email: nisbco@nisbco.org Web: www.nisbco.org
Donate Online: Make a Credit Card Donation, Online
Cheque, or Bank transfer with PayPal
Free, Easy, and Secure
Go to www.nisbco.org
Click on the "MCN - Legal Defense Fund" Link \$