

# News Notes

of the Central Committee for Conscientious Objectors

## CCCO REORGANIZES

Representatives from the staffs and committees of CCCO's three offices met in Chicago in mid-September for the first annual National Priorities Meeting. Several important recommendations were subsequently accepted by the West Coast and Midwest Councils and by the National Board in Philadelphia.

### Bigger regions

Both regional offices were expanded to cover 13 states of the country, with the national office retaining responsibility for the remainder. In addition to the three West Coast states, the San Francisco office will now seek to extend draft counselor training into Alaska, Arizona, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming.

To the Midwest region has been added Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and North and South Dakota. Ohio had been added earlier to the original four states.

By agreement all the money raised within the regions, whether by national or regional appeals, will be used for funding services from the regional offices.

### Better ideas

With an increased emphasis on training military and draft counselors wherever feasible, the Counselors' Newsletter put out by MCDC has been put on a national basis, available from all three offices for counselors in the field who want to keep up with developments. It will continue to be tied in with the updating service for the Counselors' Manual, with both available from the appropriate office for \$3 per year.

Every effort will be made to assist in the establishment of local draft information centers and to encourage and service those already in existence.

Hank Maiden, whose energy and enthusiasm brought about the establishment of the San Francisco office three years ago, resigned as West Coast Secretary at the end of July. Mike Wittels, CCCO's expert counselor of men in the military, has been appointed to succeed Hank. Mike will continue as CCCO's national coordinator of military counseling, retaining responsibility for the military counselors' newsletter and the production of special materials.

### "Triple CO"

From now on the name "Central Committee for Conscientious Objectors" will recede into the background,

and "CCCO" will move to the foreground. This decision was taken in recognition that the organization counsels all draft-age men, not COs alone. Although CCCO has never used the term "conscientious objector" in its narrow legal sense, the full name implies to many an inappropriate attitude of advocacy for the national military and draft counseling agency which CCCO has become. The Midwest region is in process of deciding whether to continue to call itself the Midwest Committee for Draft Counseling, or to switch to the famous initials "CCCO" in order that all three offices can share the same name.

Underlying the recommendations of the National Priorities meeting were two themes: First, the desirability of moving the counseling of individuals to the community level, necessitating an emphasis on field work for CCCO, and second, the need for flexibility on CCCO's part. While previous talk of reforming or ending the draft has not reduced the need for CCCO's services, there is always the outside possibility that the burden of compulsory participation in mass slaughter might someday be lifted from the shoulders of draft-age men.

## In the Courts

—Curry First

Earlier this year, *News Notes* ran a feature article on the *Sisson* decision from the Massachusetts District Court. (Judge Wyzanski held the CO provision in the law to be unconstitutional.) Last August the District Court in the Eastern District of Pennsylvania came to a somewhat similar holding in *Koster v. Sharp*, a case CCCO has substantial involvement with.

John Koster, a sailor stationed at the Philadelphia Naval Station, was denied a CO discharge by the Bureau of Navy Personnel in Washington, D. C. He brought a habeas corpus writ which was subsequently granted by the Court. The Court felt the discharge had been improperly denied because Koster had factually demonstrated his sincerity and his religious training and belief. However, the Court went one step further and followed *Sisson* by holding "that the standard of 'religious training and belief' is violative of the First Amendment stricture against the establishment of religion and of the Fifth Amendment's guarantee of due process of law."

The Solicitor General of the United States has already filed an appeal statement with the Supreme Court in the *Sisson* case. The *Koster* holding adds further support to the finding in *Sisson*. CCCO will be filing an amicus brief in *Sisson*; a decision is not expected before January, 1970.

### Local board composition

Selective Service regulations have always clearly required that local board members 1) reside in the county in which their local board sits, and 2) must, *if at all practicable*, be residents of the area in which their local board has jurisdiction. Some courts have acquitted defendants when their local boards did not meet the first requirement. Recently, for the first time, two judges, in separate opinions, but both from the Northern District of California, have acquitted registrants because the second requirement was not met. It is relevant only when there is more than one local board in a given county. In this circumstance, the two or more local boards in the county have jurisdiction over specific geographical areas. In *U. S. v. Beltran* and *U. S. v. deMarco* it was first established that some of the local board members did not live within the board's area of jurisdiction. The Courts then looked to the words "if at all practicable," and concluded that it was practicable to compose the board of local residents. The courts reached the latter conclusion by simply taking judicial notice of the fact that the area encompassed by the two boards is obviously inhabited by a substantial number of qualified citizens.

### Due process

In *U.S. v. Bowen*, the Third Circuit Court of Appeals acquitted George Bowen after he had been convicted in the New Jersey District and sentenced to 5 years imprisonment. The Court acquitted because the trial judge in his charge to the jury had followed a Selective Service regulation which the Third Circuit found to be unconstitutional. The regulation, 1641.3, provides that the mailing of any order or notice by the local board to a registrant "shall constitute notice to him of the contents of the communication, whether he actually receives it or not." The Court held the regulation in effect makes it impossible to challenge the presumption that such mail was received. The Court said due process demands that the defendant have an opportunity to rebut the presumption, and therefore the regulation is unconstitutional. George Bowen had on two different occasions requested the CO form, and on both occasions the Selective Service records indicated the forms were sent to him. Although he testified in court he received neither of the forms, the jury was in effect prohibited from believing him.

### Supreme Court: 1969-1970

As the new Court term begins, the Court has already agreed to hear on the merits two draft cases, *Breen v. Selective Service*, on appeal from the Second Circuit, and *Gutknecht v. U. S.*, on appeal from the Eighth Circuit. Both cases involve the constitutionality of the delinquency regulations as applied to registrants who are "punished" for turning in their draft cards by being declared delinquent. CCCO has filed an amicus in *Gutknecht* and argued, among other issues, that the delinquency regulations are unconstitutional because they result in a substantial deprivation of liberty, and the delinquent registrant is not afforded even the minimal protections of due process, such as the right to counsel and the right to confront and cross-examine one's accusers.

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## Life in Louisville

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Manfred Reid, of Louisville, Kentucky, was reclassified 1-A by his local board, No. 47, recently. Reid is 33 years old, married, and has two dependent children. By coincidence he is also a militant leader of Louisville's black community.

Local board No. 47 has achieved a certain prominence because of its best known registrant, Muhammed Ali.

Now University of Kentucky law professor Robert A. Sedler is petitioning the Supreme Court for review of the conviction of Joseph Mulloy—yet another registrant of local board No. 47—charging the board has "clearly demonstrated administrative incompetence." Mulloy has been sentenced to 5 years imprisonment and \$10,000 fine for refusing induction. The local board refused to reopen his classification in order to consider his conscientious objector claim, but instead issued an induction order. Mulloy refused induction.

At his trial, the local board secretary testified that during her 17 years with the board it had never granted CO status. The board chairman, J. Allen Sherman, appeared to be confused about the difference between I-A-O and I-O. He is an attorney. Another board member couldn't recall whether he had looked at Mulloy's CO claim. But his conviction was upheld by the Sixth Circuit Court of Appeals.

The Southern Conference Educational Fund charges that their organizer Joseph Mulloy is being prosecuted for his active opposition to strip mining and his advocacy of a tax on coal. SCEF urges repeal of the draft.

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## Dennis Fitzpatrick

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Des Moines, Iowa, residents have become well acquainted with 24-year-old Dennis Fitzpatrick, a Roman Catholic conscientious objector, through well-publicized opposition to and support for his remaining on the city's payroll.

Fitzpatrick served with the Peace Corps and then became a Human Rights Commission aide in Des Moines. In August, after his unsuccessful bid for CO status, he was ordered to report for induction, but refused to submit. In September, City Councilman Jack Woods, who, according to columnist Donald Kaul, "is developing into one of the really fine government comedians," demanded that Fitzpatrick resign or be fired. For the Commission to keep him on the payroll would be "a slap in the face of every one of our men fighting now in Vietnam."

On September 15, the City Council voted 5-2 to ask the Commission to fire the young CO. But the Commission balked, pointing out that Fitzpatrick had not yet been charged, let alone convicted, of any crime. Two Councilmen reversed their positions, and the earlier City Council decision was reversed.

At the instigation of peace-minded businessman William Plymat, two rabbis, ten Roman Catholic priests, and two dozen Protestant clergymen met with Dennis Fitzpatrick on September 29. Fitzpatrick read the group his answers on the Form 150 and several letters of support. After he answered further questions from the floor all 36 rabbis, priests and ministers signed a public statement testifying to the sincerity of Dennis Fitzpatrick's conscientious objection.

This kind of support, which could be generated in other cities, may cause the U. S. Attorney to decline to prosecute, for it reduces his chances of obtaining a conviction in court.

## Attention Graduate Students

Students and their counselors should note that on October 1, 1969, President Nixon ordered Selective Service to permit graduate students receiving induction orders to complete the academic year. In recent months their inductions were postponed only until the end of the term during which the order was received.

## No Substantial Cut

—Arlo Tatum

Although President Richard Nixon announced a reduction of 50,000 in the number of draftees, achieved by spreading the October quota over the last three months of 1969, this should be viewed as a public relations statement rather than a statement of fact.

As the National Council to Repeal the Draft has pointed out, quotas for July, August, September and October were inflated by over 40,000 men to enable Mr. Nixon to make his dramatic announcement that November and December quotas had been cancelled. In fact, 296,000 men were drafted in 1968, and 290,400 will be drafted by the end of this year, making a reduction of only 5,600 men.

In addition to the hope that such an announcement would reduce opposition to the draft on college campuses, the Administration meant to persuade Congressional skeptics that the armed forces in Vietnam have actually been reduced by the numbers previously announced. The critics remained unconvinced in the absence of lower draft calls.

To reduce the number of conscripts substantially may not be possible, because of fewer volunteers and enlistments. The problem is not likely to be solved by public relations experts.

## Farewell

Since other comments in this issue were written, the President has announced that General Hershey has been removed as Director of Selective Service, promoted to Four-Star General, and given an advisory post in the Pentagon. We wish him well, and hope the Selective Service System will someday be retired, too.

## Presidential Appeal Board

Last July, Judge Henry J. Gwiazda of New Britain, Conn., complained to President Nixon that Lt. Gen. Lewis B. Hershey was interfering with and seeking to control the National Selective Service Appeal Board, of which Gwiazda was Chairman. Often called the Presidential Appeal Board, it is in law independent of Selective Service and responsible only to the President.

President Nixon dealt promptly with Judge Gwiazda's complaint, by demanding his resignation. Dr. Kenneth Clement, another Board member, joined the Chairman and submitted his own resignation. Both men called for Hershey's retirement. "Especially for the last six months the General has stepped up his efforts to interfere," Dr. Clement told the press. "We are not only under General Hershey's thumb, we are actually subject to him," Judge Gwiazda told the U. P. I.

On August 13, President Nixon announced the appointment of Henry Shavitz of North Carolina to fill one of the vacancies. On September 2, Mr. Nixon announced two more appointments—Levi A. Jackson of Michigan and Elmer G. Banks of Florida. When it was pointed out that three men had been appointed to fill two vacancies a White House aide said the President had decided to withdraw the appointment of Mr. Shavitz.

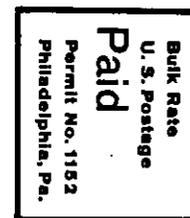
General Hershey's victory over the technically independent board created a backlog of 600 cases for the Board to decide upon—with General Hershey's help. "My experience," said outgoing Dr. Clement, "is that the country would benefit by the retirement of Gen. Hershey and his replacement by a civilian. For some time now, he has been unable to distinguish between himself and Selective Service."

## Hunger Strikes

Non-registrant, Ralph Squire, who was sent to the federal prison at Ashland, Ky., last April, went on a hunger strike September 1. He is protesting censorship of mail and what he considers to be grossly inadequate food for vegetarians in Ashland. By September 23 he had eaten only once—food brought in by his parents. Squire, 18, who weighed 107 lbs. when he started his fast, at last report was under observation in the prison hospital.

REV BARRY  
C/O DAILY PROGRESS  
CHARLOTTEVILLE, Va

~~1984~~



Richard Chandler, who has been in administrative segregation in the federal penitentiary at Lewisburg, Pa., for six months, also is in the middle of a hunger strike. Chandler, who declines to work, is fasting to protest additional restrictions placed on him because he will not shave. Last February he engaged in a prolonged hunger strike.

## Currently Imprisoned

*Alderson, W. Va.*—Suzanne Williams

*Allenwood, Pa.*—Paul Beach, William Boss, Edward Bush, Donald Butler, Jack Cook, William Curry, Howard Delfin, Robert Eaton, Stephen Elliot, Richard Fallow, Lloyd Hawkins, Frank Jellison, Roger Johnson, Daniel Kelly, James MacNabb, Andrew Miller, Douglas Pope, Stephen Reid, Arnold Sandback, David Scott, Staughton Sebastian, Michael Simons, Dennis Southward, David Stoppleman, Ronald Sykes, George Tamaccio, Sonny Tongue, Richard Wiley

*Ashland, Ky.*—Jon Bach, Daniel Bromley, Bruce Dancis, Frank Femia, David Nickerson, David Rumon, Ralph Squire

*Danbury, Conn.*—Ronald Bessey, Thomas Comar, David Goldberg, Steven Harvey, Edmund Kittredge, Raymond Larson, Phillip Stiles

*El Reno, Okla.*—Patrick Vaught

*Lewisburg, Pa.* —Donald Baty, Richard Chandler, Warren Garret, Gary Hicks, David Miller, Edward Oquendo, Anthony Ramos, Delmar Scudder, Michael Williams

*Lompoc, Cal.*—Bruce Barnes, Tom Kellog, John Palmisano, Rocky Runyan, Anthony Victoria

*McNeil Island, Wash.*—Robert Casey, Lloyd Dennis, Ernest Dudley, Thomas Jameson, Kenneth Osborne, Glenn Timpke, Russel Wills

*Marion, Ill.*—Fred Aviles, Clifford Turner

*Milan, Mich* —Rick Kowall, Marc Levin

*Petersburg, Va.*—George Davoren, Jay Harker, Osbert Jones, Kenneth Lewis, Arthur Moskovitz, Robert Talmanson

*Safford, Ariz.*—Holbrook Ashton, David Brown, Paul Barnes, Patrick Bryan, Mendel Cooper, Kendall Copperburg, Kenneth Ennmett, Geoffrey Fishman, Roger Gieck, Richard Gould, John Graham, David Harris, Terry John, Lawrence Moore, Gregory Nelson, Dana Rae Park, Jeffrey Segal, Robert Reidy, Michael Vane, James Horns

*Sandstone, Minn.*—James Auler, Anthony Hintze, Elwood Moore, Fred Ojile, Thomas Ollendorf, Stephen Schmidt, Mark Suchy

*Seagoville, Tex.*—Donald Trompler, Vorbie Vanderpool

*Springfield, Mo.*—Cecil Cheaton, David Keubrick, Gunnar Knutson, David Linderman, Kevin McMillan, Ed Marr, Douglas Roehmer, David Schwartz, Harry Tiry, Mike Vogler

*Terre Haute, Ind.*—Elige Green

*Terminal Island, Cal.*—Joseph Maizlish

### Military prisons

*Camp Pendleton, Cal.*—Austin Craig Murphy, Gerald Post

*Ft. Benning, Ga.*—Henry W. Allard, II

*Ft. Dix, N.J.*—Daniel Bennett, Bill Brakefield, Robert Foris, Philip Goguen, Royal Warren

*Ft. Hood, Tex.*—John Hill

*Ft. Jackson, S.C.*—Michael Cole, Richard Ewing, Howard Finegold, Andrew Keil

*Ft. Leavenworth, Kan.*—Daniel Amick, Arnold Austad, James Avila, Victor Bell, Robert Bender, Gordon Brown, David Clark, George Davis, George Duonis, James Fagnoni, Thomas Goggin, Richard Guy, Melvin Hoit, Charles Travis Jones, Otis Kent, Allen Killfoile, Bruce Magee, Wes Mattern, Mike Patterson, Herman M. Respass, Michael Riney, Joseph Rittenour, James Schlag, Butch Scott, James Seymour, Michael Smith, Kenneth Stolte, Jr., James Williford, John Wilson, Mark Wilson, Abraham Byrd, Jeffrey Porteous, James Westergreen

*Ft. Leonard Wood, Mo.*—Daniel Muniz, Joe Richman, Louis Wehrmeyer

*Ft. Lewis, Wash.*—29 men

*Ft. Ord, Cal.*—Tom Springer

*Ft. Riley, Kan.*—Tom Sincavitch

*Fort Sill, Okla.*—David Sharp

*Pearl Harbor Brig, Hawaii*—Jim Bryant, Eric Harms, Curt Trendell

*Portsmouth Naval Correctional Inst., N.H.*—Neil Blanton, Gary Gray, Al Griffith, Kerry W. Kernen