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RESIST

*a call to resist
illegitimate authority*

31 March 1970 - 763 Massachusetts Avenue, #4, Cambridge, Mass. 02139 - Newsletter #40

RECENT SUPREME COURT RULINGS ON SELECTIVE SERVICE SYSTEM PROCEDURES

Three recent rulings of the Supreme Court have restricted the power of the Selective Service System and the Department of Justice to deprive political dissenters of their constitutionally guaranteed right to due process. The decisions dealt with punitive declarations of delinquency and subsequent inductions, pre-induction judicial review of Selective Service classifications, and the statute of limitations for failure to register with the Selective Service System.

Gutknecht v. United States: On 19 January the Court held, by a vote of six to two, that the Selective Service System could not use immediate induction based on a declaration of delinquency as a "disciplinary or vindictive measure." The suit was brought by David E. Gutknecht, 22, of Gaylord, Minnesota, who was declared delinquent and ordered to report for induction after he turned in his draft card at an anti-war demonstration. The Court found that the Selective Service Act does not provide for "punitive sanctions" other than those specifically established for cases of criminal prosecution. In the majority opinion, Justice Douglas stated that "...induction pursuant to the delinquency regulations has not been authorized by Congress." He noted that "a vast rewriting of the act is needed" if induction is to be used as a penalty for violating the law, and that such a revision would have to include safeguards which protected "the free exercise of constitutional rights." Justices Harlan and White dissented.

The Gutknecht decision affected only the practice of punitive induction, not the declaration of delinquency which ordinarily precedes such an action. The Court did say, however, that the broad discretionary power of local boards to label men as delinquents is "not congenial to our lawmaking traditions." On 21 January Lewis Hershey, then Director of the Selective Service System,

BOMBS AND SABOTAGE: A NEW STAGE OF THE MOVEMENT?--by Paul Lauter

In the last newsletter we announced that we would regularly print information supplied by readers about acts of sabotage. That article, written before the terrible events on West 11th Street in New York City and in Belair, Maryland, reflected, I think, a real need. Acts of sabotage, from draft board raids to arson to bombings, have been occurring throughout the country with ever-increasing frequency. They are, insofar as possible, unreported by the media. Until recently no one, perhaps not even the government, knew how widespread they had become.

Such acts represent a new stage in the movement. Yet obviously, because we have all been uninformed about what has been happening, we have had little basis on which to make our own political evaluation of the bombings of corporate offices and of draft boards or of the attempt to drop firebombs on the Badger Powder Works on New Year's Day. Are such acts a perversion of the movement? Or do they represent a natural and necessary development? And how should those of us "aboveground" relate to underground activities? We have received several letters questioning that first newsletter article or, at least, the spirit in which it appeared to be presented.

On the one hand, especially after the 11th Street explosion, it would be irresponsible to casually cheer people on from the sidelines, to groove on such acts, to forget their possible consequences in human life, to fail to evaluate them in light of the present development of the movement and its possible future. On the other hand, it seems to me equally irresponsible to pretend that acts of destruction are altogether without precedent in the movement. When the Catonsville Nine took those records into the draft board parking lot and set them afire with homemade napalm, they were then opening a new dimension of the movement. There were people then who

The Selective Service System is in trouble in Minnesota! Early on March 1st records of the Minneapolis and St. Paul draft boards and of the State Selective Service Headquarters were destroyed: in Minneapolis more than 50% of the I-A files and 75% of the cross-referencing system; in St. Paul almost all I-A files and the entire cross-referencing system; and at State Selective Service Headquarters all records that could be used to reconstruct the records destroyed in Minneapolis and St. Paul. At a support rally at the University of Minnesota on March 6 four persons announced that they would accept responsibility for the actions. They call themselves the Beaver 55, although their relation to the original Beavers, if any, is unclear. No action has yet been taken against them, perhaps in part because of the ambiguity of their statement. To say one is willing to be responsible for an act is not actually to acknowledge having performed it. The Minnesota SSS is subsequently left with the problem of reconstructing the lost records before they can draft anybody; they can do this only by contacting the men involved or persuading them to make themselves known to their boards. Counselling for people registered at Minneapolis or St. Paul draft boards is available from the Twin Cities Draft Information Center (529 Cedar Avenue, 612/333-3717 & 333-8471), which is also helping to publicize the actions.

BOMBS AND SABOTAGE? cont'd...

could not accept either their slogan - "some property has no right to exist" - or the "violence" of their act; there was considerable debate in the movement, some of it in the RESIST newsletter, over the legitimacy of their act and the new limits it implied. Recent events, especially in New York City and Belair, present us with another new situation, and the debate is beginning again. We hope that RESIST newsletter readers will contribute to it.

To many of us, those killed in Belair and New York City were friends and comrades. But even if they were just newspaper figures, their deaths force us all to again look seriously at our own work, where we put our money and support, and how we live our lives.

At its March meeting the RESIST Steering Committee made the following grants:

Salt Lake Resistance, Salt Lake City, Utah: for materials and operating expenses

The Black Community Information Center, Harrisburg, Pa.: toward mimeographing and stenciling equipment

Young Patriots Organization, Chicago: for a mimeograph machine

Jim Grant, Charlotte, North Carolina: toward the costs of his local organizing efforts

Fresno Resistance, Fresno, California: to help with several of their current projects

New England Free Press, Boston, Mass.: toward the cost of repairing and replacing their broken presses

RYM, Racine, Wisconsin: toward their community health program and other projects

The Black Panther Party, Boston, Mass.: for one issue of their local community newsletter

GIs United, Baltimore, Maryland: three months' subsistence for one organizer

Detroit Revolutionary Union Movement, Detroit, Michigan: for program expenses

HELP IN CANADA

The Fredericton, New Brunswick, chapter of the Canadian Struggle for a Democratic Society (P.O. Box 1582, Fredericton) is eager to assist immigrants to Canada, especially those settling in or passing through the Maritime Provinces. They can also be contacted through Mr. & Mrs. Terry Hamilton-Smith, 748 Forest Hill Road, Fredericton (506/454-3743).

THREE NEW YORK CITY OFFICES BOMBED

Between 1:00 and 2:00 A.M. on March 12 bombs exploded in the New York City offices of three giant corporations: Mobil Oil Company, IBM, and General Telephone and Electronics. The police were warned by an unidentified caller in time to evacuate all night workers from the three buildings where the explosions occurred. Coming shortly after the deaths of three persons in an accidental explosion in a Greenwich Village townhouse and the deaths, probably murders, of Ralph Featherstone and William Payne in Maryland when a bomb exploded in their car, the New York City bombings and the subsequent flood of unrelated bomb threats were used by the mass media to help build up a sense of terror and hysteria; accusations flew, and the explosions were attributed with grim abandon and cool calculation to conspiracies of persons or groups. The Black Panthers, the Young Lords, the Weathermen, the people indicted for last November's corporation bombings, and others were all accused and were blamed for creating the fear and sense of danger those in power were feeling. Shortly after the explosions, however, a group claiming responsibility for the bombings issued a statement explaining the action. Since most reports included little of this statement, we are reprinting it in full below:

"IBM, Mobil and GTE are enemies of all life. In 1969 IBM made \$250 million for US "defense" contracts -- profits made from the suffering and deaths of human beings. All three profit not only from death in Vietnam but also from Amerikan imperialism in all of the Third World. They profit from racist oppression of black, Puerto Rican and other minority colonies outside Amerika, from the suffering and death of men in the Amerika army, from sexism, from the exploitation and degradation of employees forced into lives of anti-human work, from the pollution and destruction of our environment.

"To numb Amerika to the horrors they inflict on humanity, these corporations seek to enslave us to a way of "life" which values conspicuous consumption more than the relief of poverty, disease and starvation, which values giant cars as status symbols more than the purity of our air (so Mobil can make \$\$\$ thru gas sales).

"This way of "life" sucks up 60% of the world's resources -- for 16% of the planet's

THREE N.Y.C. OFFICES BOMBED cont'd...

population -- and then wastes them in compulsive consumerism and planned obsolescence (so IBM can make \$\$\$ off new model computers), distributes millions of TV sets (Sylvania's included), all the better to put lies into our heads and convince us to buy, buy, buy, and then offers only work helping to produce the goods that bring slow death at home or genocide abroad (or in the USA).

"This way of "life" is a way of death. To work for the industries of death is to murder. To know the torments Amerika inflicts on the Third World, but not to sympathize and identify, is to deny our own humanity. It is to deny our right to love -- and not to love is to die. We refuse. In death-directed Amerika there is only one way to a life of love and freedom: to attack and destroy the forces of death and exploitation and to build a just society -- revolution."

--Revolutionary Force 9

IN THE NEXT ISSUE...

Bill Davidon of the RESIST Steering Committee will discuss the question of violence in the movement and its relevance to some of the tactics supported in the "New Call."

ORGANIZE FOR APRIL 15!

The enclosed New Mobilization Committee leaflet describes the April 15 offensive against the war in Vietnam. As with previous actions against repression and the draft, the New Mobilization Committee has encouraged decentralization to help build long-term community organizing. Massive rallies in almost every city on April 15 will relate the war to the serious economic problems in the United States. In addition, demonstrations at stockholders' meetings in late April will confront those who profit from war. Dates and locations of these actions follow:

April 14	United Aircraft	Hartford
April 27	Boeing Company	Seattle
April 28	Gulf Oil Corp.	Pittsburg
April 28	Honeywell, Inc.	Minneapolis

RECENT SUPREME COURT RULINGS cont'd...

instructed local boards to "suspend all processing of delinquents."

Breen v. Selective Service Local Board No. 16: On 26 January the Court granted pre-induction judicial review of Selective Service classification to a man whose statutory deferment had been unlawfully denied by his local board. Timothy J. Breen was a full-time undergraduate student at the Berkeley School of Music, in Boston, with a II-S classification when, like Gutknecht, he turned in his draft card at a demonstration against the war. He lost his deferment and was reclassified I-A. A Federal District Court and a Court of Appeals refused to hear his complaint against the local board. They based their rulings on the 1967 Selective Service Act, which prohibits men from challenging their classifications in court prior to induction.

However, in Oestereich v. Selective Service Board the Supreme Court had held that if an exemption specifically guaranteed by the Selective Service Act were denied by a local board, the registrant could protest that denial in court without first having to submit to induction. In Breen the Court extended that ruling to apply to deferments as well as to exemptions, or at least to those deferments which are determined by "explicit requirements" rather than by "discretionary standards." The decision was unanimous.

Toussie v. United States: The Court ruled on 2 March that men who fail to register with the Selective Service System within five days of their 18th birthdays cannot be prosecuted after five years have passed. On the fifth day after such an individual's 23rd birthday, the five-year period specified by the general statute of limitations on non-capital Federal crimes is considered to have elapsed. The Government had argued that failure to register is a "continuing offense," that a non-registrant commits a crime on every day on which he fails to register, until he reaches the age of 26. By that interpretation, a non-registrant could be prosecuted at any time before his 31st birthday.

In a five-to-three decision, with Justices Harlan and White and Chief Justice Burger dissenting, the Court held that Congress had not specifically designated failure to register as a continuing offense, and that

NARMIC: NATIONAL ACTION/RESEARCH
ON THE MILITARY-INDUSTRIAL COMPLEX

NARMIC, the Philadelphia-based research/action project on the military-industrial complex, has recently published the first of a group of handbooks on researching the military-industrial complex in local communities. The handbook serves as a good action tool for de-mystifying the complex by providing a "how to find it" methodology for uncovering corporations' war contracts, power relationships, interlocking directorships, etc. Three counterinsurgency weapons systems are also described (chemical/biological, anti-personnel, and incendiary); their producers are listed by location; and their use in Vietnam is graphically described. In addition, the Honeywell Project of Minneapolis, an example of action and research at a local level, is reported on in great detail. Excellent examples of leaflets, fliers, statements, and news releases are included in the materials reproduced in the handbook. You can order 10 or more copies at 60¢ each (single copies, \$1) from NARMIC, c/o American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa. 19102.

NARMIC's research center houses a data base of clippings, articles, reference materials, contract sources, corporation information, etc. These resources are available to other groups who want to translate research information into action projects, and NARMIC will train movement people in the techniques of research and action. Occasionally field organizers are able to assist local groups in conceptualizing projects on the military-industrial complex.

NARMIC encourages movement people to send in material and information on all aspects of the military-industrial complex for their files. They're especially interested in hearing about local organizing on war-oriented corporations.

RECENT SUPREME COURT RULINGS cont'd...

in the absence of such clear designation, the statute of limitations must apply from the date of the original crime. The opinion did not discuss the question of whether registration after the original violation had occurred and gone unnoticed - i.e., later than five days after a man's 18th birthday - would constitute prohibited self-incrimination.